

TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, January 19, 2021** at 6:30pm in City Hall Courtroom with Mayor Pro Tem Bray presiding. Commissioner Haiges gave the invocation with the recitation of the Pledge of Allegiance following. Commissioner Price recited the Town of Siler City Mission Statement and Commissioner Siler recited the Town of Siler City Vision Statement.

ELECTED TOWN OFFICIALS PRESENT: Cindy Bray, Norma Boone, Thomas “Chip” Price, and Tony Siler, Zoom: Curtis Brown, Lewis Fadely, Bill Haiges

TOWN STAFF PRESENT: Town Manager Roy Lynch, Attorney William Morgan, Finance Director Tina Stroupe, Planning Director Jack Meadows, Public Works Director Chris McCorquodale, Police Chief Mike Wagner, Human Resources Director Nancy Darden, and Town Clerk Jenifer Johnson, Zoom: Parks and Recreation Director Jack Clelland

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Lynch requested the addition of Temporary Police Department Recruitment Incentive Policy under New Business.

Commissioner Fadely requested that the Consent Agenda Item 3.2, Schedule B: Liberty University MOU be moved to New Business.

A motion to approve the agenda adjustments was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

A motion to approve the agenda as amended was made by Commissioner Siler, seconded by Commissioner Fadely and unanimously approved.

CONSENT

A motion to approve the consent agenda which includes the January 4, 2021 Minutes (Incorporation by reference as if fully set forth herein Schedule A), Cape Fear Regional Hazard Mitigation Plan (Incorporation by reference as if fully set forth herein Schedule C), 2019-2020 Amendment to Audit Contract (Incorporation by reference as if fully set forth herein Schedule D), Planning Board Appointments (Incorporation by reference as if fully set forth herein Schedule E) was made by Commissioner Fadely, seconded by Commissioner Boone and unanimously approved.

PUBLIC HEARING

Town of Siler City proposes text amendments, because of the new Chapter 160D of the NC General Statutes, to the following sections of the UDO: §2 Authority (zoning regulations), §3 Jurisdiction, §8 Fees, §11 Word Interpretation, §12 Effect On Prior Laws, §13 Zoning Conflicts with Other Development Standards, §14 Statute of Limitation, §18 Definitions (administrative decision, administrative hearing, bufferyard, building, close familial relationship, comprehensive plan, conditional zoning, decision-making board, determination, developer, development, development approval, development regulation, DBH, due diligence, dwelling, dwelling unit, evidentiary hearing, good faith, governing board, land development regulations, landowner, legislative decision, legislative hearing, loading and unloading area, local act, multi-phased development, perennial waterbody, person, planning and development regulation jurisdiction, property, public water supply system, quasi-judicial decision, site plan, sleeping unit, special use permit, stream, ephemeral stream, intermittent stream, perennial stream, subdivision, subdivision regulation, surface water, tract, vegetative buffer, zoning map amendment, zoning permit, zoning regulation), §19 Lots Divided by District Lines, §24 Meetings of the Planning Board, §25 Quorum and Voting of the Planning Board, §27 Powers and Duties of Planning Board, §28 Advisory Committees, §29 Meetings of the Board of

Adjustment, §30 Quorum of the Board of Adjustment, §31 Voting of the Board of Adjustment, §32 Land-Use Administrator, §33 Notice of Determinations, §35 Town Board of Commissioners, §42 Permits Required, §43 No Occupancy, Use or Sale of Lots Until Requirements Fulfilled, §44 Who May Submit Permit Applications (permit), §45 Applications to be Complete (permit), §46 Staff Consultation Before Formal Application (permit), §47 Staff Consultation After Application Submitted (permit), §49 Performance Guarantees: Authorizing Use or Occupancy Before Completion of Development, §50 Special-Use Permits, §52 Recommendations on Conditional-Use Permit, §53 Town Board Action on Conditional-Use Permit, §54 Board of Adjustment Action on Special-Use Permits, §55 Additional Requirements on Special-Use Permits, §56 Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special-Use Permits, §58 Expiration of Permits, §59 Effect of Permit on Successors and Assigns, §60 Amendments to and Modifications of Permits, §61 Reconsideration of Board of Adjustment Action, §63 Maintenance of Common Areas, Improvements, and Facilities (permits), §64 Regulation of Subdivisions, §65 No Subdivision Without Plat Approval, §67 Major Subdivision Approval Process, §68 Endorsements on Major Subdivision Plats, §81 Appeals, §82 Variances, §83 Special Exception Permits, §84 Interpretation, §85 Requests to be Heard Exeditiously, §86 Burden of Proof in Appeals & Variances, §87 Board Action on Appeals & Variances §91 Hearing Required on Appeals and Applications, §92 Notice of Evidentiary Hearing, §93 Evidence, §94 Modification of Application at Evidentiary Hearing, §96 Written Decision, §97 Judicial Review, §103 Procedures Upon Discovery of Violations, §104 Penalties and Remedies for Violations, §105 Permit Revocation, §106 Judicial Review (limitations), §107 Stop Work Orders, §114 Extension or Enlargement of Nonconforming Situations, §116 Change in Use of Property Where a Nonconforming Situation Exists, §118 Completion of Nonconforming Projects, §119 Noncontributing Residential Exemption Permit, §129 Floodplain and Floodway Districts, §130 Conditional-Use Districts Established, §132 Official Zoning Map, §133 Amendments to Official Zoning Map, §136 Uses Defined (bona fide farm), §137 Use of the Designations P,S,C in Table of Permissible Uses, §140 Accessory Uses, §141 Permissible Uses Not Requiring Permits, §144 Combination Uses, §147 Table of Permissible Uses (special events), §148 Residential Uses (family care home, manufactured home, single family residences), §151 Temporary Uses (special events), §152 Agricultural Uses (bona fide farming, voluntary ag district), §153 Amateur Radio Antennas, §156 Public Buildings, §157 Solar Collectors, §164 Air Pollution, §229 Utilities (power line exemption), §235 Flood Damage Prevention Ordinance, §236 Local Environmental Regulations, §251 Sedimentation and Erosion Control (enforcement), §252 Watershed Protection Ordinance, §259 Signs Which Do Not Require a Permit (construction signs), §307 Retention and Protection of Large Trees (airport exemption), §309 Forestry Activities, §311 Intent (amendments), §312 Amendment Initiation, §316 Review and Recommendations of the Planning Board (amendments), §317 Public Hearings (amendments), §318 Town Board Action (amendments), §320 Citizen Comments (amendments), §322 Comprehensive Plan, §323 Development Agreements, §324 Moratoria, §325 Staff Consultation Before Formal Application (conditional zoning), §326 Staff Consultation After Application Submitted (conditional zoning), §327 Application Procedures (conditional zoning), §328 Site Plan Required (conditional zoning), §329 Planning Board Review (conditional zoning), §330 Action by the Board of Commissioners (conditional zoning), §331 Effect of Approval (conditional zoning), §332 Changes in Use (conditional zoning), §333 Revocation of a Conditional-Use Permit, §334 Performance Guarantee (conditional zoning), §335 Completing Developments in Phases (conditional zoning), §336 Reconsideration of Board Action (conditional zoning), §337 Maintenance of Common Areas, Improvements, and Facilities (conditional zoning), A-1 In General (applications), A-2 Written Application, A-3 Development Site Plans, A-4 Graphic Materials Required For Plans, Appendix B– Development Agreements, F-4 Conditional Use Required (sexually oriented business), F-5 Location Of Sexually Oriented Businesses, F-15 Injunction (sexually oriented business), G-3 Conditional Use Required (landfill), G-4 Supplementary Use Regulations (landfill), H-1 Authority And General Regulations (watershed), H-6 Definitions (existing development), Appendix J–Permit Choice & Vested Rights

Ordinance, K-3 General Provisions (flood), K-5 Provisions For Flood Hazard Reduction, K-6 Legal Status Provisions (flood).

Mayor Pro Tem Bray opened the public hearing for the proposes text amendments for the new Chapter 160D of the NC General Statutes, to the following sections of the UDO: §2 Authority (zoning regulations), §3 Jurisdiction, §8 Fees, §11 Word Interpretation, §12 Effect On Prior Laws, §13 Zoning Conflicts with Other Development Standards, §14 Statute of Limitation, §18 Definitions (administrative decision, administrative hearing, bufferyard, building, close familial relationship, comprehensive plan, conditional zoning, decision-making board, determination, developer, development, development approval, development regulation, DBH, due diligence, dwelling, dwelling unit, evidentiary hearing, good faith, governing board, land development regulations, landowner, legislative decision, legislative hearing, loading and unloading area, local act, multi-phased development, perennial waterbody, person, planning and development regulation jurisdiction, property, public water supply system, quasi-judicial decision, site plan, sleeping unit, special use permit, stream, ephemeral stream, intermittent stream, perennial stream, subdivision, subdivision regulation, surface water, tract, vegetative buffer, zoning map amendment, zoning permit, zoning regulation), §19 Lots Divided by District Lines, §24 Meetings of the Planning Board, §25 Quorum and Voting of the Planning Board, §27 Powers and Duties of Planning Board, §28 Advisory Committees, §29 Meetings of the Board of Adjustment, §30 Quorum of the Board of Adjustment, §31 Voting of the Board of Adjustment, §32 Land-Use Administrator, §33 Notice of Determinations, §35 Town Board of Commissioners, §42 Permits Required, §43 No Occupancy, Use or Sale of Lots Until Requirements Fulfilled, §44 Who May Submit Permit Applications (permit), §45 Applications to be Complete (permit), §46 Staff Consultation Before Formal Application (permit), §47 Staff Consultation After Application Submitted (permit), §49 Performance Guarantees: Authorizing Use or Occupancy Before Completion of Development, §50 Special-Use Permits, §52 Recommendations on Conditional-Use Permit, §53 Town Board Action on Conditional-Use Permit, §54 Board of Adjustment Action on Special-Use Permits, §55 Additional Requirements on Special-Use Permits, §56 Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special-Use Permits, §58 Expiration of Permits, §59 Effect of Permit on Successors and Assigns, §60 Amendments to and Modifications of Permits, §61 Reconsideration of Board of Adjustment Action, §63 Maintenance of Common Areas, Improvements, and Facilities (permits), §64 Regulation of Subdivisions, §65 No Subdivision Without Plat Approval, §67 Major Subdivision Approval Process, §68 Endorsements on Major Subdivision Plats, §81 Appeals, §82 Variances, §83 Special Exception Permits, §84 Interpretation, §85 Requests to be Heard Expeditiously, §86 Burden of Proof in Appeals & Variances, §87 Board Action on Appeals & Variances §91 Hearing Required on Appeals and Applications, §92 Notice of Evidentiary Hearing, §93 Evidence, §94 Modification of Application at Evidentiary Hearing, §96 Written Decision, §97 Judicial Review, §103 Procedures Upon Discovery of Violations, §104 Penalties and Remedies for Violations, §105 Permit Revocation, §106 Judicial Review (limitations), §107 Stop Work Orders, §114 Extension or Enlargement of Nonconforming Situations, §116 Change in Use of Property Where a Nonconforming Situation Exists, §118 Completion of Nonconforming Projects, §119 Noncontributing Residential Exemption Permit, §129 Floodplain and Floodway Districts, §130 Conditional-Use Districts Established, §132 Official Zoning Map, §133 Amendments to Official Zoning Map, §136 Uses Defined (bona fide farm), §137 Use of the Designations P,S,C in Table of Permissible Uses, §140 Accessory Uses, §141 Permissible Uses Not Requiring Permits, §144 Combination Uses, §147 Table of Permissible Uses (special events), §148 Residential Uses (family care home, manufactured home, single family residences), §151 Temporary Uses (special events), §152 Agricultural Uses (bona fide farming, voluntary ag district), §153 Amateur Radio Antennas, §156 Public Buildings, §157 Solar Collectors, §164 Air Pollution, §229 Utilities (power line exemption), §235 Flood Damage Prevention Ordinance, §236 Local Environmental Regulations, §251 Sedimentation and Erosion Control (enforcement), §252 Watershed Protection Ordinance, §259 Signs Which Do Not Require a Permit (construction signs), §307 Retention and Protection of Large Trees (airport exemption), §309 Forestry Activities, §311 Intent (amendments), §312 Amendment

Initiation, §316 Review and Recommendations of the Planning Board (amendments), §317 Public Hearings (amendments), §318 Town Board Action (amendments), §320 Citizen Comments (amendments), §322 Comprehensive Plan, §323 Development Agreements, §324 Moratoria, §325 Staff Consultation Before Formal Application (conditional zoning), §326 Staff Consultation After Application Submitted (conditional zoning), §327 Application Procedures (conditional zoning), §328 Site Plan Required (conditional zoning), §329 Planning Board Review (conditional zoning), §330 Action by the Board of Commissioners (conditional zoning), §331 Effect of Approval (conditional zoning), §332 Changes in Use (conditional zoning), §333 Revocation of a Conditional-Use Permit, §334 Performance Guarantee (conditional zoning), §335 Completing Developments in Phases (conditional zoning), §336 Reconsideration of Board Action (conditional zoning), §337 Maintenance of Common Areas, Improvements, and Facilities (conditional zoning), A-1 In General (applications), A-2 Written Application, A-3 Development Site Plans, A-4 Graphic Materials Required For Plans, Appendix B–Development Agreements, F-4 Conditional Use Required (sexually oriented business), F-5 Location Of Sexually Oriented Businesses, F-15 Injunction (sexually oriented business), G-3 Conditional Use Required (landfill), G-4 Supplementary Use Regulations (landfill), H-1 Authority And General Regulations (watershed), H-6 Definitions (existing development), Appendix J–Permit Choice & Vested Rights Ordinance, K-3 General Provisions (flood), K-5 Provisions For Flood Hazard Reduction, K-6 Legal Status Provisions (flood) at 6:36pm. (Incorporation by reference as if fully set forth herein Schedule G)

Meadows stated that the proposed text amendments are because of the new Chapter 160D of the NC General Statutes, to the following sections of the UDO: §2 Authority (zoning regulations), §3 Jurisdiction, §8 Fees, §11 Word Interpretation, §12 Effect On Prior Laws, §13 Zoning Conflicts with Other Development Standards, §14 Statute of Limitation, §18 Definitions (administrative decision, administrative hearing, bufferyard, building, close familial relationship, comprehensive plan, conditional zoning, decision-making board, determination, developer, development, development approval, development regulation, DBH, due diligence, dwelling, dwelling unit, evidentiary hearing, good faith, governing board, land development regulations, landowner, legislative decision, legislative hearing, loading and unloading area, local act, multi-phased development, perennial waterbody, person, planning and development regulation jurisdiction, property, public water supply system, quasi-judicial decision, site plan, sleeping unit, special use permit, stream, ephemeral stream, intermittent stream, perennial stream, subdivision, subdivision regulation, surface water, tract, vegetative buffer, zoning map amendment, zoning permit, zoning regulation), §19 Lots Divided by District Lines, §24 Meetings of the Planning Board, §25 Quorum and Voting of the Planning Board, §27 Powers and Duties of Planning Board, §28 Advisory Committees, §29 Meetings of the Board of Adjustment, §30 Quorum of the Board of Adjustment, §31 Voting of the Board of Adjustment, §32 Land-Use Administrator, §33 Notice of Determinations, §35 Town Board of Commissioners, §42 Permits Required, §43 No Occupancy, Use or Sale of Lots Until Requirements Fulfilled, §44 Who May Submit Permit Applications (permit), §45 Applications to be Complete (permit), §46 Staff Consultation Before Formal Application (permit), §47 Staff Consultation After Application Submitted (permit), §49 Performance Guarantees: Authorizing Use or Occupancy Before Completion of Development, §50 Special-Use Permits, §52 Recommendations on Conditional-Use Permit, §53 Town Board Action on Conditional-Use Permit, §54 Board of Adjustment Action on Special-Use Permits, §55 Additional Requirements on Special-Use Permits, §56 Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special-Use Permits, §58 Expiration of Permits, §59 Effect of Permit on Successors and Assigns, §60 Amendments to and Modifications of Permits, §61 Reconsideration of Board of Adjustment Action, §63 Maintenance of Common Areas, Improvements, and Facilities (permits), §64 Regulation of Subdivisions, §65 No Subdivision Without Plat Approval, §67 Major Subdivision Approval Process, §68 Endorsements on Major Subdivision

Plats, §81 Appeals, §82 Variances, §83 Special Exception Permits, §84 Interpretation, §85 Requests to be Heard Exeditiously, §86 Burden of Proof in Appeals & Variances, §87 Board Action on Appeals & Variances §91 Hearing Required on Appeals and Applications, §92 Notice of Evidentiary Hearing, §93 Evidence, §94 Modification of Application at Evidentiary Hearing, §96 Written Decision, §97 Judicial Review, §103 Procedures Upon Discovery of Violations, §104 Penalties and Remedies for Violations, §105 Permit Revocation, §106 Judicial Review (limitations), §107 Stop Work Orders, §114 Extension or Enlargement of Nonconforming Situations, §116 Change in Use of Property Where a Nonconforming Situation Exists, §118 Completion of Nonconforming Projects, §119 Noncontributing Residential Exemption Permit, §129 Floodplain and Floodway Districts, §130 Conditional-Use Districts Established, §132 Official Zoning Map, §133 Amendments to Official Zoning Map, §136 Uses Defined (bona fide farm), §137 Use of the Designations P,S,C in Table of Permissible Uses, §140 Accessory Uses, §141 Permissible Uses Not Requiring Permits, §144 Combination Uses, §147 Table of Permissible Uses (special events), §148 Residential Uses (family care home, manufactured home, single family residences), §151 Temporary Uses (special events), §152 Agricultural Uses (bona fide farming, voluntary ag district), §153 Amateur Radio Antennas, §156 Public Buildings, §157 Solar Collectors, §164 Air Pollution, §229 Utilities (power line exemption), §235 Flood Damage Prevention Ordinance, §236 Local Environmental Regulations, §251 Sedimentation and Erosion Control (enforcement), §252 Watershed Protection Ordinance, §259 Signs Which Do Not Require a Permit (construction signs), §307 Retention and Protection of Large Trees (airport exemption), §309 Forestry Activities, §311 Intent (amendments), §312 Amendment Initiation, §316 Review and Recommendations of the Planning Board (amendments), §317 Public Hearings (amendments), §318 Town Board Action (amendments), §320 Citizen Comments (amendments), §322 Comprehensive Plan, §323 Development Agreements, §324 Moratoria, §325 Staff Consultation Before Formal Application (conditional zoning), §326 Staff Consultation After Application Submitted (conditional zoning), §327 Application Procedures (conditional zoning), §328 Site Plan Required (conditional zoning), §329 Planning Board Review (conditional zoning), §330 Action by the Board of Commissioners (conditional zoning), §331 Effect of Approval (conditional zoning), §332 Changes in Use (conditional zoning), §333 Revocation of a Conditional-Use Permit, §334 Performance Guarantee (conditional zoning), §335 Completing Developments in Phases (conditional zoning), §336 Reconsideration of Board Action (conditional zoning), §337 Maintenance of Common Areas, Improvements, and Facilities (conditional zoning), A-1 In General (applications), A-2 Written Application, A-3 Development Site Plans, A-4 Graphic Materials Required For Plans, Appendix B– Development Agreements, F-4 Conditional Use Required (sexually oriented business), F-5 Location Of Sexually Oriented Businesses, F-15 Injunction (sexually oriented business), G-3 Conditional Use Required (landfill), G-4 Supplementary Use Regulations (landfill), H-1 Authority And General Regulations (watershed), H-6 Definitions (existing development), Appendix J–Permit Choice & Vested Rights Ordinance, K-3 General Provisions (flood), K-5 Provisions For Flood Hazard Reduction, K-6 Legal Status Provisions (flood).

Meadows shared the following documents:

1. draft Articles 1-11, 15-17, 19, 20 and Appendices A, B, F-H, J, K
2. final ordinance amending Articles 1-11, 15-17, 19, 20 and Appendices A, B, F-H, J, K
3. worksheet.

Meadows stated that the 160D proposal was developed by the N.C. Bar Association. The legislation was introduced in 2015 and again in 2017. The NC General Assembly and Governor signed S.L. 2019-111 and then incorporated amendments in S.L. 2020-25.

Meadows stated that the new Chapter 160D consolidates current city- and county-enabling statutes for development regulations (now in Chapters 153A and 160A) into a single, unified chapter. Chapter 160D places these statutes into a more logical, coherent organization. While the new law does not make major policy changes or shifts in the scope of authority granted to local governments, it does provide many clarifying amendments and consensus reforms that will need to be incorporated into local development regulations.

Meadows stated that Chapter 160D is effective now, but local governments have until July 1, 2021 for the development, consideration, and adoption of necessary amendments to conform local ordinances to this new law. All city and county zoning, subdivision, and other development regulations, including unified-development ordinances, will need to be updated by that date to conform to the new law.

Meadows stated that the proposed amendments have been drafted by Town staff and reviewed by the Town Attorney. Town staff has attended training workshops, attended conferences, reviewed online training modules, and reviewed a publication on the proposed amendments. Town staff shared the amendments with the Planning Board. The Planning Board initiated the proposed amendments.

Meadow shared the compatibility with the existing comprehensive Land Development Plan:

1. Amend ordinances as needed to accommodate uses or situations that arise and are not clearly covered by existing ordinances.
2. Amend ordinances as needed to address changes in physical, social, or environmental circumstances that make existing regulations unnecessary, outdated, or obsolete.
3. Modify the development ordinances to be more user-friendly where possible.

Meadows shared the Planning Board recommendations from the January 11, 2021 meeting:

1. The amendments are approved and consistent with the adopted LDP and any other officially adopted plan because the LDP recommends:
2. Amend ordinances as needed to accommodate uses or situations that arise and are not clearly covered by existing ordinances.
3. Amend ordinances as needed to address changes in physical, social, or environmental circumstances that make existing regulations unnecessary, outdated, or obsolete.
4. Modify the development ordinances to be more user-friendly where possible.

Mayor Pro Tem Bray closed the public hearing at 7:10pm.

A motion that the text amendment to the following sections of the UDO: §2 Authority (zoning regulations), §3 Jurisdiction, §8 Fees, §11 Word Interpretation, §12 Effect On Prior Laws, §13 Zoning Conflicts with Other Development Standards, §14 Statute of Limitation, §18 Definitions (administrative decision, administrative hearing, bufferyard, building, close familial relationship, comprehensive plan, conditional zoning, decision-making board, determination, developer, development, development approval, development regulation, DBH, due diligence, dwelling, dwelling unit, evidentiary hearing, good faith, governing board, land development regulations, landowner, legislative decision, legislative hearing, loading and unloading area, local act, multi-phased development, perennial waterbody, person, planning and development regulation jurisdiction, property, public water supply system, quasi-judicial decision, site plan, sleeping unit, special use permit, stream, ephemeral stream, intermittent stream, perennial stream, subdivision, subdivision regulation, surface water, tract, vegetative buffer, zoning map amendment,

zoning permit, zoning regulation), §19 Lots Divided by District Lines, §24 Meetings of the Planning Board, §25 Quorum and Voting of the Planning Board, §27 Powers and Duties of Planning Board, §28 Advisory Committees, §29 Meetings of the Board of Adjustment, §30 Quorum of the Board of Adjustment, §31 Voting of the Board of Adjustment, §32 Land-Use Administrator, §33 Notice of Determinations, §35 Town Board of Commissioners, §42 Permits Required, §43 No Occupancy, Use or Sale of Lots Until Requirements Fulfilled, §44 Who May Submit Permit Applications (permit), §45 Applications to be Complete (permit), §46 Staff Consultation Before Formal Application (permit), §47 Staff Consultation After Application Submitted (permit), §49 Performance Guarantees: Authorizing Use or Occupancy Before Completion of Development, §50 Special-Use Permits, §52 Recommendations on Conditional-Use Permit, §53 Town Board Action on Conditional-Use Permit, §54 Board of Adjustment Action on Special-Use Permits, §55 Additional Requirements on Special-Use Permits, §56 Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special-Use Permits, §58 Expiration of Permits, §59 Effect of Permit on Successors and Assigns, §60 Amendments to and Modifications of Permits, §61 Reconsideration of Board of Adjustment Action, §63 Maintenance of Common Areas, Improvements, and Facilities (permits), §64 Regulation of Subdivisions, §65 No Subdivision Without Plat Approval, §67 Major Subdivision Approval Process, §68 Endorsements on Major Subdivision Plats, §81 Appeals, §82 Variances, §83 Special Exception Permits, §84 Interpretation, §85 Requests to be Heard Expeditiously, §86 Burden of Proof in Appeals & Variances, §87 Board Action on Appeals & Variances §91 Hearing Required on Appeals and Applications, §92 Notice of Evidentiary Hearing, §93 Evidence, §94 Modification of Application at Evidentiary Hearing, §96 Written Decision, §97 Judicial Review, §103 Procedures Upon Discovery of Violations, §104 Penalties and Remedies for Violations, §105 Permit Revocation, §106 Judicial Review (limitations), §107 Stop Work Orders, §114 Extension or Enlargement of Nonconforming Situations, §116 Change in Use of Property Where a Nonconforming Situation Exists, §118 Completion of Nonconforming Projects, §119 Noncontributing Residential Exemption Permit, §129 Floodplain and Floodway Districts, §130 Conditional-Use Districts Established, §132 Official Zoning Map, §133 Amendments to Official Zoning Map, §136 Uses Defined (bona fide farm), §137 Use of the Designations P,S,C in Table of Permissible Uses, §140 Accessory Uses, §141 Permissible Uses Not Requiring Permits, §144 Combination Uses, §147 Table of Permissible Uses (special events), §148 Residential Uses (family care home, manufactured home, single family residences), §151 Temporary Uses (special events), §152 Agricultural Uses (bona fide farming, voluntary ag district), §153 Amateur Radio Antennas, §156 Public Buildings, §157 Solar Collectors, §164 Air Pollution, §229 Utilities (power line exemption), §235 Flood Damage Prevention Ordinance, §236 Local Environmental Regulations, §251 Sedimentation and Erosion Control (enforcement), §252 Watershed Protection Ordinance, §259 Signs Which Do Not Require a Permit (construction signs), §307 Retention and Protection of Large Trees (airport exemption), §309 Forestry Activities, §311 Intent (amendments), §312 Amendment Initiation, §316 Review and Recommendations of the Planning Board (amendments), §317 Public Hearings (amendments), §318 Town Board Action (amendments), §320 Citizen Comments (amendments), §322 Comprehensive Plan, §323 Development Agreements, §324 Moratoria, §325 Staff Consultation Before Formal Application (conditional zoning), §326 Staff Consultation After Application Submitted (conditional zoning), §327 Application Procedures (conditional zoning), §328 Site Plan Required (conditional zoning), §329 Planning Board Review (conditional zoning), §330 Action by the Board of Commissioners (conditional zoning), §331 Effect of Approval (conditional zoning), §332 Changes in Use (conditional zoning), §333 Revocation of a Conditional-Use Permit, §334 Performance Guarantee (conditional zoning), §335 Completing Developments in Phases (conditional zoning), §336 Reconsideration of Board Action (conditional zoning), §337 Maintenance of Common Areas, Improvements, and Facilities (conditional zoning), A-1 In General

(applications), A-2 Written Application, A-3 Development Site Plans, A-4 Graphic Materials Required For Plans, Appendix B–Development Agreements, F-4 Conditional Use Required (sexually oriented business), F-5 Location Of Sexually Oriented Businesses, F-15 Injunction (sexually oriented business), G-3 Conditional Use Required (landfill), G-4 Supplementary Use Regulations (landfill), H-1 Authority And General Regulations (watershed), H-6 Definitions (existing development), Appendix J–Permit Choice & Vested Rights Ordinance, K-3 General Provisions (flood), K-5 Provisions For Flood Hazard Reduction, K-6 Legal Status Provisions (flood) is approved and consistent with the adopted land development plan and any other officially adopted plan because the land development plan recommends amending ordinances as needed to accommodate uses or situations that arise and are not clearly covered by existing ordinances and amending ordinances as needed to address changes in physical, social, or environmental circumstances that make existing regulations unnecessary, outdated, or obsolete and the action taken is reasonable in the public interest because it modifying the development ordinances to be more user-friendly where possible was made by Commissioner Fadely, seconded by Commissioner Brown and unanimously approved.

The Board of Commissioners discussed the Fee Schedule changes associated with the UDO amendment.

A motion to amend the 2020-2021 Fee Schedule as presented was made by Commissioner Price, seconded by Commissioner Haiges and unanimously approved.

OLD BUSINESS

Conditional Use District Rezoning – Campus Drive – O-I-C Multifamily Residential – Minor Modification
Meadows stated that the subject property is located at 226 Campus Dr. and is identified as a portion of tax parcel # 94210. On June 1, 2020, the Siler City Board of Commissioners approved a conditional use district rezoning with conditions for an 84-unit multifamily residential apartment development for persons of low or moderate-income. (Incorporation by reference as if fully set forth herein Schedule H)

Meadows stated that the conditions were as follows:

1. 147 parking spaces
2. All sidewalks adjacent to parking spaces shall be 6.5' wide
3. Active recreational facilities provided: 14,615 square feet
 - a. Playgrounds: 3,248 square feet
 - i. 2-5 years (1,568 square feet)
 - ii. 5-12 year (1,680 square feet)
 - b. Picnic shelter area (12'x18' shelter, grill, ADA table, standard table, trash receptacle): 595 square feet
 - c. Community garden: 507 square feet
 - d. Pedestrian path (3' clearance on both sides) and seating: 8,863 square feet
 - e. Clubhouse: 1,402 square feet
 - i. Computer room: 137 square feet
 - ii. Community room, kitchen, and bathrooms: 1,100 square feet
 - iii. Outdoor patio and seating area: 165 square feet
4. Payment in lieu of providing active recreational facilities: 6,268 square feet x \$3/square foot = \$18,804.00
5. Increasing payment in lieu by not providing the pedestrian path (\$26,589) or the 2-5 year old playground (\$4,704)
6. 550,000 square feet of open space

7. Water line will be a looped system back to Campus Drive
8. Ability to modify the design to reduce the number of sewer connections to Technology Way
9. Phasing Plan (combining successive phases is acceptable)
 - a. Phase 1: certificate of occupancy for clubhouse
 - i. Site infrastructure improvements (driveways, first layer of parking lots, temporary pavement markings, curb and gutter, ADA parking, storm sewer, sanitary sewer, waterlines, fire hydrants)
 - ii. All active recreation facilities
 - iii. Complete all pedestrian paths adjacent to the clubhouse
 - iv. Dumpster pad and access by building #2
 - v. Water service, fire protection, sanitary sewer service, telephone, electrical service for clubhouse
 - vi. Provide performance guarantee for remaining requirements of the UDO
 - b. Phase 2: certificate of occupancy for apartment building #1
 - i. Water service, fire protection, sanitary sewer service, telephone, electrical service for building #1
 - ii. northern pedestrian path adjacent to building #1 and connection to Campus Drive
 - c. Phase 3: certificate of occupancy for apartment building #2
 - i. Water service, fire protection, sanitary sewer service, telephone, electrical service for building #2
 - ii. Southern pedestrian path adjacent to building #2
 - d. Phase 4: certificate of occupancy for apartment building #3
 - i. Water service, fire protection, sanitary sewer service, telephone, electrical service for building #3
 - ii. Southern pedestrian path adjacent to building #3
 - iii. Dumpster pad and access by building #3
 - e. Phase 5: certificate of occupancy for apartment building #4
 - i. Water service, fire protection, sanitary sewer service, telephone, electrical service for building #4
 - ii. Southern pedestrian path complete
 - iii. Complete site lighting
 - f. Phase 6: release performance guarantee
 - i. final layer of pavement
 - ii. pavement markings
 - iii. repair damaged sidewalk and curb and gutter
 - iv. all landscaping
 - v. dumpster enclosures including fencing
 - vi. remove erosion control devices
 - vii. install stormwater management facility
 - viii. as-built stormwater survey
 - ix. record stormwater maintenance agreement
 - x. punch list walk for public watermain
 - xi. record easement for public watermain
10. Work with the police department on best practices and best efforts.

Meadows stated that the Board of Commissioners approved the following payment in lieu of providing active recreation facilities:

1. 6,268 square feet x \$3/square foot = \$18,804.00
2. Additional payment in lieu option:
 - a. pedestrian path (\$26,589.00)
 - b. 2-5-year-old playground (\$4,704.00)
 - c. Option total = \$31,293.00
3. Potential grand total = \$50,097.00
4. Ball field lighting project for field 2 at Bray Park Sports Complex

Meadows stated that a Minor Modification Request has been submitted by Wallick Asset Management:

1. Letter requesting a minor modification
2. Revised site plan and building details

	Approved	Minor Modification Request
Number of Units	84	72
Parking Spaces	147	126
Phasing Plan	Phase 5	Delete Building 4 references and move Phase 6 items to Phase 5
Building	Building 4 – 12 Units	Delete Building 4 – 12 Units
1 Bedroom Units	18	12
2 Bedroom Units	45	42
3 Bedroom Units	21	18
Accessible Units for the Handicap	18	24
Accessible Units Equipped with an Accessible Work Space and Grab Bar	10	8
Community Building (square feet)	2,386	2,432
Disturbed Area	356,000 sf (8.17 acres)	335,000 sf (7.69 acres)
New Impervious Area	116,500 sf (2.67 acres)	107,250 sf (2.46 acres)
Percent Impervious	17.7	16.3
Water and Sewer Usage (gallons per day)	22,800	22,680
Construction Cost	\$10,354,454	\$9,200,000

The Board of Commissioners discussed the minor modification. Commissioner Price stated that he would like to get input from Stephanie Watkins-Cruz with the Chatham County Affordable Housing Advisory Committee.

Watkins-Cruz joined by zoom and stated that the minor modification is supported by the Affordable Housing Committee.

A motion to approve the minor modification request for the property located at 226 Campus Dr. and is identified as a portion of tax parcel # 94210 for an 84-unit multifamily residential apartment development by Wallick Asset Management was made by Commissioner Fadely, seconded by Commissioner Siler and unanimously approved.

City Hall Building Renovation Update

Lynch stated that the bids for the City Hall Renovation Project were opened on Wednesday, December 16, 2020 and we had twelve General Contractors bid on the project. (Incorporation by reference as if fully set forth herein Schedule I)

Lynch stated that Taylor Hobbs with Hobbs Architects is here to present the bids and alternates for the renovation.

Hobbs shared the City Hall Improvement and Renovation Bid Summary including the base bid, cost reductions, and alternates.

The consensus of the Board of Commissioner was to move forward with the project and have Staff bring back the finance options to the next meeting on how to fund the project.

NEW BUSINESS

Temporary Police Department Recruitment Incentive Program

Darden stated due to vacancies of Police Department sworn personnel, staff is recommending a temporary recruitment incentive program for the Siler City Police Department. (Incorporation by reference as if fully set forth herein Schedule J)

Darden shared the following with the Board of Commissioners:

Overview: We currently have five vacancies at the Siler City Police Department.

Purpose: To promote recruitment efforts within the Police Department by encouraging our own sworn employees to recruit by word of mouth.

Program Length: Effective January 20, 2021 through June 30, 2021 or until all positions are filled, whichever comes first. Applications in process on June 30, 2021 will be honored.

Eligibility: Non-exempt sworn Police personnel

Program Outline and Administration: Payment will be added to the recipient's regular payroll and subject to all applicable deductions. It is administered by the Town Manager, Human Resources Director, and Finance Director.

\$1000 This is paid to the employee recruiter when the recruit is hired and successfully completes FTO training. Chief Wagner will submit documentation to Human Resources substantiating successful completion of FTO.

\$1000 This is paid to the employee recruiter when the individual successfully completes one year of employment and is removed from probationary status. Chief Wagner will submit documentation to Human Resources supporting successful completion of the one-year probationary status.

\$1500 This is paid to the employee recruiter when the individual successfully completes two years of employment with the Siler City Police Department.

Darden stated that this incentive program is initially funded through the unpaid salary of the associated vacancy. The remaining sum of the program will become part of the Police Department's annual budget. If at any point the employee recruiter or the new recruit leaves during this two-year period, payment of the incentive will cease.

The Board of Commissioners discussed the policy and asked questions of Darden.

A motion to approve the proposed Temporary Police Department Recruitment Incentive Program effective January 20, 2021 was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

Liberty University MOU

The Board of Commissioners discussed the Liberty University MOU and asked questions of Wagner and Darden. The consensus of the Board of Commissioners was to table the contract.

MANAGER'S REPORT

Lynch shared the following with the Board of Commissioners:
Budget Retreat will be Saturday, February 6 from 8am to 12noon.

TOWN ATTORNEY INFORMATION

none

GOVERNING BODY COMMENTS

none

ADJOURNMENT

A motion to adjourn was made by Commissioner Siler, seconded by Commissioner Haiges and unanimously approved.



Cindy B. Bray, Mayor Pro Tempore

ATTEST:



Jenifer K. Johnson, Town Clerk

