

TOWN OF SILER CITY  
 BOARD OF COMMISSIONERS  
 January 2, 2024 MINUTES  
 PAGE 1 OF 6

**TOWN OF SILER CITY**

The Siler City Board of Commissioners met in Regular Session on **Tuesday, January 2, 2024** at 6:30pm in the City Hall Courtroom with Mayor Matthews presiding. Mayor Matthews gave the invocation with the recitation of the Pledge of Allegiance following. Commissioner Hauser recited the Town of Siler City Mission Statement and Commissioner Patterson recited the Town of Siler City Vision Statement.

**ELECTED TOWN OFFICIALS PRESENT:** Albert Alston, Norma Boone, Cindy Bray, Curtis Brown, Alec Hauser, Travis Patterson, and Donald Matthews

**ELECTED TOWN OFFICIALS ABSENT:** Mayor Pro Tem Fadely

**TOWN STAFF PRESENT:** Town Manager Hank Raper, Attorney William Morgan, Finance Director John O'Keefe, Public Utilities Director Chris McCorquodale, Public Works Director Cal Pettiford, HR Director Nancy Darden, Town Clerk Kimberly Pickard, Community Development Director Jack Meadows, and Planning Director Jennifer Baptiste.

**AGENDA ADJUSTMENTS/APPROVAL OF AGENDA**

Commissioner Brown requested to remove item 8.1 Compensation Pay Study for 2024 and table for a later date.

*A motion to remove item 8.1 Compensation Pay Study for 2024 and table to a later date was made by Commissioner Brown, seconded by Commissioner Boone, and unanimously approved.*

*A motion to approve the agenda as amended was made by Commissioner Brown, seconded by Commissioner Boone, and unanimously approved.*

**CONSENT**

*A motion to approve the consent agenda which includes the December 18, 2023, Minutes (Incorporation by reference as if fully set forth herein Schedule A), Sharpe Patel FY2022 Audit Contract (Incorporation by reference as if fully set forth herein Schedule B) was made by Commissioner Brown, seconded by Commissioner Boone, and unanimously approved.*

**PRESENTATION**

Mayor Donald Matthews recognized Joseph Lee Smith and Tony R. Lackey retirements.

**PUBLIC COMMENT**

Donald Kallgren: with DGKallgren Consulting, LLC spoke about internet services being provided to local parks in the Town of Siler City and offered through Digital Tech Grants that fund Broadband services.

Cynthia Dameron 11080 US Hwy 64 West Siler City NC: spoke that no salary increases or contracts should be completed until all audits are completed.

**PUBLIC HEARING**

R23-11-01 Conditional Rezoning- George Street. The property is located to the south of George Street and west of West Raleigh Street. The subject property is approximately 2.20 acres.

Planning Director, Jennifer Baptiste shared the following timeline concerning the George Street property with the Board of Commissioners:

**April 2023** - Applicant applied for a zoning permit to construct a 2,158 sq. ft. single-family home with a 600 sq. ft. garage and a 5,000 sq. ft. parking lot. At the time, the applicant stated that the parking was for personal vehicles. The application was approved in May of 2023.

**August 2023** - Initially, the permit was approved with the site utilizing a well and septic system. However, a public water tap was installed in August of 2023 and has been active since installation.

**September 2023** - The applicant submitted a new zoning permit for a pavilion. A pavilion would be considered an accessory use to a primary use. Staff visited the site and found the following:

- a. No primary structure, single-family residential, constructed on the site.
- b. Parking lot installed and being used to park ten (10) commercial transportation vehicles in a single-family residentially zoned area.
- c. Temporary tent structure with hammocks and electric generators located in the front yard setback.
- d. Parking not constructed as diagramed on zoning permit submittal. This was only discovered during the site visit since a final inspection was not called into the office by the applicant.

**October 2023** - Notice of Violation was sent to the applicant. Applicant submitted a Conditional Rezoning request to allow the construction of a home with a garage, commercial parking lot, and pavilion. The Office Institutional/Conditional zoning district allows for the construction of a single-family residential home, use code 1.111, and commercial parking, use code 9.1.

Baptiste shared the Impact on Landowners, Immediate Neighbors and Surrounding Community:

- 1. Public water is located along W. Raleigh Street and George Street, but sewer is not available.
- 2. Area streets

Street / Road	Road Frontage (feet)	Travel Lanes	Maintenance	Speed Limit (mph)	Average Daily Trips
George Street	368.7	1	Town	35	NA
W. Raleigh Street	0	2	NCDOT	35	NA

TOWN OF SILER CITY  
 BOARD OF COMMISSIONERS  
 January 2, 2024 MINUTES  
 PAGE 3 OF 6

Zoning District	R-20	O-I
Minimum Lot Size	20,000	7,000
Recommended minimum lot width	100'	70'
Street Right of Way building set back	35'	25'
Lot Boundary building setback	15'	10'
Height Limitation	40'	45'

Baptiste shared the applicant's request for conditional zoning.

The request is for a conditional zoning from Residential 20 (R-20) to Office Institutional/Conditional (O-I-C). The owner's application states he is proposing to construct single-family residential home with an attached garage, commercial parking lot, and a pavilion.

The applicant submitted to have the site developed with a home with an attached garage and parking. The applicant neglected to identify the parking area would be used to park commercial size minibuses used in the operation of a business.

According to the Unified Ordinance Definition, this use does not qualify for the home occupation category due to several factors identified in the home occupation definition, but primarily because there is no home on site. The items highlighted below in the home occupation definition are items that this application does not meet.

**Home Occupation.** An accessory use of a dwelling unit for gainful employment which:

1. is clearly incidental and subordinate to the use of the dwelling unit as a residence;
2. is carried on only within the main dwelling;
3. occupies no more than 33% of the gross floor area of the dwelling;
4. does not use accessory structures (except for unheated storage);
5. does not alter or change the exterior character of appearances of the dwelling;
6. no display of goods, products or services shall be visible on site;
7. traffic and parking generated and associated with the use shall not be:
  - a) detrimental to the neighborhood or create congestion on the street where the home occupation is located; and
  - b) in greater volumes than would normally be expected in a residential neighborhood.
8. vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation;
9. only two commercially licensed vehicles shall be allowed;
10. no equipment or process shall be used in connection with the home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference that is detectable off-site;
11. is created and operated by the residents on the premises;
12. has no more than one (1) employee who is not resident on the premises;
13. child day care (no more than eight (8) total and no more than five (5) preschool age)
14. hours for visits shall be between 8:00 am and 8:00 pm; and
15. includes customary uses such as accounting, appraisals, architect, art studio (no mass production), baking, bookkeeping, computer systems design and training, cooking, craft making, dentist, dressmaking engineering, hair dressing, financial planning, florist, information and data processing, insurance sales, interior decoration (no studio

TOWN OF SILER CITY  
BOARD OF COMMISSIONERS  
January 2, 2024 MINUTES  
PAGE 4 OF 6

permitted), law office, mail order (order taking only, no stock in trade), manufacture and assembly of goods and products, merchandising and sale of goods and products at retail, millinery, musical instruction or repair, photography, physician, real estate, surgeon, tailoring, tax services, teaching, tutoring.

16. Occupations that have no non-resident employees, no signs, no on-site retail sales, or no visits from the general public do not require a zoning permit for a home occupation. This development has not completed nor has it been reviewed through the pre-development application process. Comments from the various departments are attached.

**Conditional Rezoning:**

The request is for a conditional zoning from Residential 20 (R-20) to Office Institutional/Conditional (O-I-C).

The applicant has not offered any development conditions for this rezoning. The request is to have a single-family residence with an attached garage and an open parking area for commercial vehicles.

**Compatibility with Existing Land Development Plan:**

The adopted Land Development Plan (LDP) recommends these parcels develop as Low-Density Residential.

Low-Density Residential is defined as *"areas of residential development, typically single-family structures, with minimum lot sizes of approximately ½ acre or greater."*

The objectives identified in the Land Development Plan for Low-Density Residential are:

1. *Limit impacts of development on the environment and promote sustainability.*
2. *Encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks.*
3. *Improve the appearance of properties.*
4. *Permit residential development at a low density in keeping with the character of many existing neighborhoods in the Town.*
5. *Maintain the integrity of existing neighborhoods.*
6. *Promote walkable, interconnected neighborhoods.*
7. *Encourage provision of recreation and park land for Town residents.*
8. *Encourage efficient use of transportation networks.*

Based on the definition of Low-Density Residential classification and the identified objective, this rezoning would be inconsistent with the 2017 Land Development Plan. (Please see information on Consistency Statement attached.) If a recommendation to rezoning this parcel is proposed, then a recommendation to amend the Land Development Plan to Mixed Use would also need to be made for this development. Mixed Use is defined as *"areas often near major streets and highways, or in the central business district, and contain a variety of commercial, public, and residential land uses. Commercial uses could include retail shops and shopping centers, convenience stores, restaurants, offices, medical services, and automobile dealerships, among others. Residential uses in these areas are typically at a high density and may be standalone residential structures or in a shared structure with a commercial use."*

The objectives identified in the Land Development Plan for Mixed Use are:

1. *Limit impacts of development on the environment and promote sustainability.*
2. *Encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks.*
3. *Encourage attractive commercial development in appropriate locations suitable for commercial purposes.*
4. *Encourage the continued commercial retail, service, and office development of the central*

TOWN OF SILER CITY  
 BOARD OF COMMISSIONERS  
 January 2, 2024 MINUTES  
 PAGE 5 OF 6

*business district, as well as encouraging compatible residential uses.*

5. *Improve the appearance of properties.*

6. *Limit the proliferation of single purpose highway oriented commercial areas and encourage mixed-use development.*

7. *Allow the redevelopment of single-purpose commercial sites into mixed-use sites over time.*

8. *Promote downtown Siler City as an active, attractive community that accommodates multiple uses such as the arts, small businesses, and residential.*

9. *Encourage the development of affordable housing.*

10. *Encourage close proximity of higher-density residential uses to mixed-use areas and compatible industrial areas.*

11. *Encourage efficient use of transportation networks.*

Baptiste, further explained to the Board of Commissioners that there were three options:

1. Approve the map amendment/rezoning request to O-I-C and find the rezoning inconsistent with the Siler City Land Development Plan, but amend the Land Development Plan to Mixed Use; or

2. Deny the map amendment/rezoning request as not consistent with the surrounding area and the Siler City Land Development Plan; or

3. Table item to a date certain.

Mayor Matthews opened the Public Hearing at 6:56pm

Richard McSwain: 513 George Street, Siler City NC: McSwain did not understand why the road was not wide enough for the vehicles to pass, that he has lived on the road for 13 years and there has never been a problem with people passing. He also wanted to know if the road was maintained why has he not seen a police officer?

Mayor Matthews closed the Public Hearing at 7:02pm

***A motion to deny the proposed zoning map amendment from Residential 20 (R-20) to Office Institutional / Conditional (O-I-C), the amendment is not consistent with the Town of Siler City's Land Development Plan based on the Staff Report, supporting exhibits, the consistency statement and the testimony provided, the amendment is also not reasonable and is not in harmony with the surrounding area was made by Commissioner Brown, seconded by Commissioner Bray and unanimously approved.***

#### OLD BUSINESS

NONE

#### NEW BUSINESS

NONE

#### MANAGER'S REPORT

Town Manager Hank Raper shared updates on the delivery of the new water meters and the new meters would provide much more accuracy.

The FY21 Audit has been completed and now work would begin on the FY22 Audit that was approved in the consent agenda.

Prepared by Kimberly Pickard, Town Clerk

TOWN OF SILER CITY  
 BOARD OF COMMISSIONERS  
 January 2, 2024 MINUTES  
 PAGE 6 OF 6

### CLOSED SESSION

*A motion to go into closed session §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee at 7:22pm was made by Commissioner Patterson, seconded by Commissioner Hauser, and unanimously approved.*

*A motion to come out of closed session at 7:42 was made by Commissioner Brown, seconded by Commissioner Boone, and unanimously approved.*

### TOWN ATTORNEY INFORMATION

none

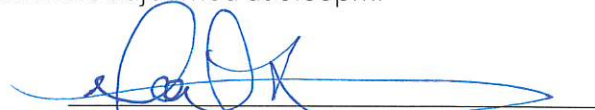
### GOVERNING BODY COMMENTS

Mayor Matthews requested discussion on the Fox Haven project and about the projects availability to move forward. Town Manager Hank Raper explained to Mayor Matthews and the Board of Commissioners the process of developing the new Unified Development Ordinance (UDO) and with the Town of Siler City being in moratorium the project could not move forward at this time.

Commissioner Bray inquired about the status of the property on Raleigh Street, owned by John Farnsworth. Town Manager, Hank Raper said he would request updates from Community Development Director Jack Meadows and give the Board of Commissioners an update.

### ADJOURNMENT

With no further business the Board of Commissioners adjourned at 8:35pm.

  
 Donald Matthews, Mayor

ATTEST:

  
 Kimberly D. Pickard, Town Clerk

