

TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Tuesday, January 21, 2020** at 7:00pm in City Hall Courtroom with Mayor Grimes presiding. Commissioner Siler gave the invocation with the recitation of the Pledge of Allegiance following. Commissioner Bray recited the Town of Siler City Mission Statement and Commissioner Brown recited the Town of Siler City Vision Statement.

ELECTED TOWN OFFICIALS PRESENT: Cindy Bray, Larry Cheek, Mike Constantino, Lewis Fadely, John Grimes, Bill Haiges, Thomas "Chip" Price, and Tony Siler

TOWN STAFF PRESENT: Town Manager Roy Lynch, Human Resources Director Nancy Darden, Finance Director Tina Stroupe, Police Chief Mike Wagner, Public Works Director Chris McCorquodale, Interim Parks and Recreation Director Jack Clelland, Joey Smith, Daniel Brafford, Eric Matthews, Tony Lackey, Gerald Vassar, Jonathan Thompson, Charlie Siler, Ronald Dark, Robert Tobar, and Town Clerk Jenifer Johnson

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Lynch requested the addition of Data Breach Response Policy and Budget Ordinance 2020.8 City Hall Renovation under Consent.

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

CONSENT

A motion to approve the consent agenda which includes the January 6, 2020 Minutes (Incorporation by reference as if fully set forth herein Schedule A), January 11, 2020 Minutes (Incorporation by reference as if fully set forth herein Schedule B), Planning Board Appointment of Garrett Frank (Incorporation by reference as if fully set forth herein Schedule C), Data Breach Response Policy (Incorporation by reference as if fully set forth herein Schedule I), 2020.8 City Hall Renovation (Incorporation by reference as if fully set forth herein Schedule J) was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

PUBLIC COMMENT

none

PRESENTATIONS

none

PUBLIC HEARING CONTINUED FROM NOVEMBER 18, 2019

Marsh Auto Parts requests a conditional use district rezoning to rezone ~1.218 acres from Residential (R-10) to Highway-Commercial (H-C). The proposed conditional use is a temporary storage area for receiving inventory for salvage yard operations. The subject property is located at 1110 Greensboro Ave. and is identified as tax parcel # 16464.

Mayor Grimes reopened the recessed public hearing for Marsh Auto Parts requested for a conditional use district rezoning to rezone ~1.218 acres from Residential (R-10) to Highway-Commercial (H-C) from November 18, 2019 at 7:05 pm. (Incorporation by reference as if fully set forth herein Schedule E)

The following individuals took the following oath:

Jack Meadows	311 N Second Avenue	Siler City, NC 27344
Steve Marsh	286 Dorsett Road	Siler City, NC 27344

Charlie McLaurin	194 Stagecoach Trail	Siler City, NC 27344
Jimmy Marsh	5737 Siler City Snow Camp Rd	Siler City, NC 27344
Jimmie Pugh	330 Womble Street	Siler City, NC 27344
Judy Pugh	330 Womble Street	Siler City, NC 27344
Tiffany Tyson	302 Trinity Street	Siler City, NC 27344

"I swear that the evidence that I shall give shall be the truth, the whole truth, and nothing but the truth, so help me God. ... I solemnly affirm that the evidence that I shall give shall be the truth, the whole truth, and nothing but the truth."

Meadows stated that the proposed conditional use is a temporary storage area for receiving inventory for salvage yard operations. The subject property is located at 1110 Greensboro Ave. and is identified as tax parcel # 16464.

Meadows stated that the subject property is:

1. owned by Marsh Auto Parts Inc.;
2. located inside the Town's Corporate Limits;
3. located within the Loves Creek Watershed
4. not located within a watershed protection area; and
5. not located within a special flood hazard area.

Meadows shared the following definitions:

1. Salvage Yard. A business or a person who possesses five (5) or more derelict vehicles, regularly engages in buying and selling used vehicle parts.
2. Automobile Graveyard. Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six (6) or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.
3. Junkyard. An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of fifteen (15) days or more.

Meadows shared the size of tract:

1. Subject tract is 1.218 acres and includes 1 property owner and 1 tax parcel
2. Size of surrounding tracts is an average of 1.5 acres

Meadows shared the compatibility with the existing Comprehensive Land Development Plan:

1. Mixed use for the subject property.
2. These areas are 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. Public facilities such as City Hall and the Police Department are also often in these areas. 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.
3. Mixed use objectives and strategies

- a. Limit impacts of development of the environment and promote sustainability.
- b. Encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks.
- c. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
- d. Encourage the continued commercial, retail, service, and office development of the central business district, as well as encouraging compatible residential uses.
- e. Improve the appearance of properties.
- f. Limit the proliferation of single-purpose highway-oriented commercial areas and encourage mixed-use development.
- g. Allow redevelopment of single-purpose commercial sites into mixed-use sites over time.
- h. Promote downtown Siler City as an active, attractive community that accommodates multiple uses such as the arts, small businesses, and residential.
- i. Encourage the development of affordable housing.
- j. Encourage close proximity of higher-density residential uses to mixed-use areas and compatible industrial areas.
- k. Encourage efficient use of transportation networks.
- l. Urban development densities should be restricted to areas in which sufficient water and sewer service is available.
- m. Continue to promote a variety of housing types to meet the demand of citizens from various economic levels.
- n. Preserve the existing housing stock by vigorously enforcing the minimum housing code and providing financial assistance to rehabilitate and stabilize deteriorating housing.
- o. Require that as a condition of receiving public water and/or sewer service, all new developments be incorporated into the Town limits.
- p. Promote cluster development with usable open space and amenities.
- q. Preserve the general character and intensity of the central business district.
- r. Ensure quality aesthetics in developments through appropriate landscaping, lighting, parking, and signage standards.
- s. Encourage planned developments.
- t. Develop driveway regulations to require access from service drives, prevent multiple driveways on a single lot, and control the spacing of driveways.
- u. Develop specific standards for those properties abutting major highway corridors, to place more stringent controls on building setbacks and height, vehicular access, sign size and location, and buffering of parking and service areas.
- v. Preserve the sites best suited for office and industrial development by identifying such areas and excluding non-supportive uses from those sites.
- w. Designate areas of the Town's planning jurisdiction as growth areas and give priority to utility extensions in those areas.
- x. Expand the greenway system of trails for bicyclists and pedestrians, and the Town's sidewalk network, in accordance with the Town's Pedestrian Plan.
- y. Explore the option of allowing developer fees-in-lieu for park facilities and other public facilities.
- z. Support development of public and private improvements in Central Business District in accordance with the Town's Downtown Master Plan.
- aa. Develop a planting plan for street trees along public rights-of-way.
- bb. Modify the development ordinances to be more user friendly where possible.
- cc. Develop policies to encourage maintenance of structures.

- dd. Develop policies to promote mixed-use development and redevelopment of commercial areas, including integrated residential uses.
- ee. Implement recommendations from the Town’s 2016 Natural Resource and Conservation Study.
- ff. Develop flexible zoning standards that accommodate mixed uses in the CBD, which will assist in the adaptive reuse of buildings.

Meadows stated that a sidewalk is proposed along Greensboro Avenue per the Town’s Pedestrian Master Plan. The property is served by public water and sewer. Street/road frontage:

Street/Road	Road Frontage (feet)	Travel Lanes	Maintenance	Speed Limit (mph)	Average Daily Trips
Greensboro Ave.	200	2	State	35	4,100 (2016)

Meadows shared the impact on landowners, immediate neighbors, and the surrounding community:

1. No buildings are proposed
2. Temporary storage lot for receiving, unloading, and processing vehicle inventory (60 days).
3. Vehicle inventory could be delivered every work day.
4. Storage lot will be surfaced with grass
5. Final destination for vehicle inventory is the current adjacent facility
6. No deliveries when weather is adverse
7. Use will be in compliance with all four industrial/processing performance standards (Smoke, Noise, Odor, and Air Pollution) identified in §161-§164
8. Driveway turnout shall be concreted at least 15’ back from the edge of Greensboro Ave.
9. Propose regrading the ditch line on Greensboro Ave. with NCDOT approval
10. Minor grading on site to abate holes and low areas that are currently ponding rain water
11. New impervious area is less than 7%
12. Total area of disturbance is less than 1 acre
13. No dumpster for garbage collection is proposed
14. Estimated cost of construction was not provided
15. Type A screen is required
16. Install an 8’ tall fence (6’ chain link and 2’ barb wire). The gate will include slats for screening (75% opaque).
17. Fence is located 10’ from both side property lines and 80’ from the pavement edge of Greensboro Ave.
18. Install evergreen trees within the 10’ bufferyard, 10’ on center
19. Evergreen trees shall be a minimum of 1” caliper
20. Trees (larger than 18” in diameter and not dying or diseased) may be retained or removed (if removed pay in lieu of replacement)
21. The current operation has a preexisting access gate (gate was there when the property was developed in 1960’s) that is accessible through the car wash property (P# 16463).

Zoning District	R-10	H-C
Minimum lot size (square feet)	10,000	0
Minimum lot width	80’	100’
Front/street building setback	30’	10’
Side/rear building setback	10’	10’/0’
Height limitation	35’	60’

Meadows stated that the H-C (highway-commercial) district is designed to accommodate the widest range of commercial activities including businesses that primarily draw from and provide services to major thoroughfares.

Meadows stated that the R-10 (residential) district is designed primarily to accommodate single-family detached residential uses, excluding manufactured homes, at medium densities in areas served by Town water and sewer facilities. Two-Family and multi-family residences are allowed in the R-10 district.

Meadows shared the relationship of uses:

1. Current use of subject property is vacant.
2. Surrounding land uses include; veterinarian, car wash, salvage operation, and restaurant.
3. Surrounded by R-10 (Residential) and H-C (Highway-Commercial) zoning.

Meadows shared the Planning Board recommendations from the November 12, 2019 meeting:

1. Map Amendment is approved and consistent with the adopted land development plan and any other officially adopted plan because the land development plan recommends:
 - a. Mixed use for the subject property.
 - b. These areas are often near major streets and highways
 - c. Encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads.
 - d. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
 - e. Encourage efficient use of transportation networks.
 - f. Preserve the sites best suited for office and industrial development by identifying such areas and excluding non-supportive uses from those sites.
2. Conditional Use Permit
 - a. Application is complete
 - b. Application complies with all applicable requirements of the UDO
 - c. Application is granted subject to the following conditions:
 - i. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in the City Hall;
 - ii. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect;
 - iii. No buildings are proposed;
 - iv. Temporary storage lot for receiving, unloading, and processing vehicle inventory;
 - v. Storage lot will be surfaced with grass;
 - vi. Final destination for vehicle inventory is the current adjacent facility;
 - vii. Inventory will arrive no more than twice a week;
 - viii. No deliveries when weather is adverse;
 - ix. Propose an 8' tall opaque fence;
 - x. Opaque fence is located 10' from both side property lines and 50' from the pavement edge of Greensboro Ave.;
 - xi. Install crepe myrtles and fir trees 10' on center within the 10' bufferyard;
 - xii. Crepe myrtles will be a minimum 6' tall at the time of planting;
 - xiii. Fir trees shall be a minimum of 3/4" caliper and at least 6' tall at the time of planting;
 - xiv. Minor grading on site to abate holes and low areas that are currently ponding rain water;
 - xv. New impervious area is less than 7%;
 - xvi. Total area of disturbance is less than 1 acre; and

- xvii. No dumpster for garbage collection.

Meadows shared the staff recommendation on the Conditional Use Permit:

The application is complete. The proposal meets the development criteria of the Unified Development Ordinance. If the Board grants the application, then Staff recommends the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in the City Hall;
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect;
3. No buildings are proposed;
4. Temporary storage lot for receiving, unloading, and processing vehicle inventory (60 days);
5. Storage lot will be surfaced with grass;
6. Final destination for vehicle inventory is the current adjacent facility;
7. No deliveries when weather is adverse;
8. Minor grading on site to abate holes and low areas that are currently ponding rain water;
9. New impervious area is less than 7%;
10. Total area of disturbance is less than 1 acre;
11. No dumpster for garbage collection is proposed;
12. 8' tall fence (6' chain link and 2' barb wire). The gate will include slats for screening (75% opaque)
13. Fence is located 10' from both side property lines and 80' from the pavement edge of Greensboro Ave; and
14. Install evergreen trees within the 10' bufferyard, 10' on center.

The Board of Commissioners asked the following questions of Meadows:

Cheek: After our last conversation, I thought they would have two weeks for storage then they would be moved, now it has sixty days.

Meadows: Staff met with the applicant and we discussed it and went on site and looked at the site as well. During the most recent office visit with the applicant, we talked about time restrictions, limit on number of days, storage and how many vehicles and loading and unloading. The applicant was uncomtblible providing that information, so staff did not gather any additional information about limits on time. And the reason Staff does not provide them this evening is that goes above a beyond UDO requirements. That would need to be worked out between the applicant and the Town Board.

Cheek: When we met with Marsh, it was my understanding that they were going to move the fence back either 50 feet or 80 feet where the big tree was and put a fence up there. And the next thing they said was they were going to get with the State and see if that driveway would be sufficient, have they done that.

Meadows: I don't know, that would be a question for the applicant. Talking about distance from the street and the proposed fence, they propose 80 feet from Greensboro Avenue. One my list of conditions on page 5, number 13, fence is located 10 feet from both side property lines and 80 feet from the pavement edge of Greensboro Avenue.

Price: On page 10 of the packet, there is revised drawing to the original one you had and its showing 80 feet and puts it on the back side of the maple tree.

Cheek: I thought we also said for them to meet with the Veterinary office and come to an agreement on the side and move from 10 to 15 feet.

Meadows: That may have been what the Board said. I'm not aware of a meeting between them. That would be a good question for the applicant.

Siler: Between the Marsh property and the carwash, there's a ditch, is there anything draining or standing in there.

Meadows: We discussed that while we were on site, the applicant said they would like to clean that ditch up so the limbs, brush, trash that's gathered that's in that ditch would be removed and water would flow down to Greensboro Avenue.

Siler: Is that Marsh's property.

Meadows: There's a right-of-way there, it's questionable whether it's on their property.

Fadely: The clarification on page 4, number 21, is that a Staff recommendation or a statement of fact?

Meadows: Statement of fact. There was some discussion about the gate and the access, and we spoke with the applicant and clarified the history of it and what it's been used for and they would like to continue to use it for the same purpose.

Fadely: But the items 16 through 20 are recommendations and the Planning Board recommendations are different.

Meadows: They are dated, the Planning Board was the first to hear the case and they haven't reviewed anything since the comments of the Town Board have been made and that's customary.

Fadely: Number 7 on their recommendations: Inventory will arrive no more than twice a week, that one is not in yours. What was the reason for that change?

Meadows: Back to the original presentation of the public hearing, that was information received from the applicant, Staff submitted that to the Planning Board and the Planning Board accepted that and put that in the recommendations. The Board had a discussion at the public hearing about time, so I went back to the applicant and talked to them about time restrictions, they did not share with me at that time, so Staff did not write down since the applicant didn't give me one to write down. Staff is required that the applicant mean the ordinance, and those are above and beyond the ordinance. I can't require the applicant to do something that's not in the ordinance, but the Board can.

Steve Marsh, 286 Dorsett Road, Siler City, NC 27344

You were asking about the NC Department of Transportation, so I made that phone call there and I spoke with a long time NCDOT worker, that is retired. All he said was you go through the permit process through Asheboro and they will tell you what to do.

Fadely: How far are you on that process?

Steve Marsh: I got a phone number and where to call and where they're located, and first things first, we got to get it zoned. I'll just make a quick comment about the time thing. We didn't want to lock in on that because you can't control certain things about when things come in. A truck could come in once a week maybe three. This is not an increase on what's coming in, this land is not about that. It's just about easier access because there's going to be a block aid down 64 and it's going to be real hard to get where you want to go. It's not about an increase in what's going on, just trying to maintain and see the writing on the wall of the future. These cars, ever how long they are there, they will be processed as quickly and as soon as we can, because until that part happens, we've paid for something that we can sell. The idea is to get them processed as soon as we can, these cars will not be stacked, they are brought to hopefully sell as much as you can off of them. Nothing will be above the fence level.

Fadely: The guy you spoke with from Asheboro, did he state that it had to be rezoned before you could submit the permit?

Steve Marsh: I spoke to Marty Tillman, I told him what was going on and he told me to call the Asheboro office, when that point comes, that who you call. Then they will tell you what you have to do, and they will come look at it and then it will be by state guidelines.

Price: So, you think the amount of deliveries is going to average between one and three a week.

Steve Marsh: I know what it is now, and I don't see that increasing because of this 1.8 acre of land. Its more of an efficiency type thing and easier type thing, its not about the production. We can only do so much.

Siler: How many cars do you bring in?

Steve Marsh: I haven't really counted them, I see my side, I'm out on Snow Camp Road and I see what we have coming in. Loads are not going to increase because of this access area.

Cheek: If you have ten cars per week, four weeks in a month, forty cars.

Steve Marsh: I'm not sure if that's what comes in.

Cheek: So that's forty, so in sixty days you could have eighty cars out there.

Steve Marsh: Our guys can average as much as two a day.

Fadely: If your averaging one to three per week do you see any instance where you would have more than five.

Steve Marsh: Not necessarily – no.

Haiges: I know you said you want to process them as quick as possible, but with that 1.8 acres, something less than that behind the fence line, have you determined what your max capacity is that you would be able to store there.

Steve Marsh: That is not a storage area, it is receiving area.

Haiges: Right, but its temporary storage according to the documents for sixty days, so I'm trying to determine what you anticipate max capacity for that area.

Steve Marsh: I don't know that I can actual answer that question, I don't know the answer to that.

Price: When a car comes in is there a date or something on it so that you know when it arrived.

Steve Marsh: There is, as soon as it comes in, its given a stock number, it's a five digit number, the first two digits is the year that were in and the next three digits are the purchase order, so the first car purchased in 2020 would be 20001.

Price: So, there would be a way you could go out and look at it and say that car has been there so many days.

Steve Marsh: Yes

Siler: I was standing in the church front porch and I was looking out there and it looks full to me, where you going store more cars in there.

Steve Marsh: It is tight in there. Here in the last six months or so there's been more focus on pulling stuff out.

Siler: Do you keep them about five years.

Steve Marsh: Some guys have an old truck there that they are trying to keep going and they can't find a part because they don't sell them anymore. The average car there its life expectancy is not that long.

Siler: I don't have a problem with it, the only problem I have is with the people staying over there in that community always talking about the mosquitoes. What do y'all do in the summertime. Sometimes mosquitos get in the water down in beds.

Steve Marsh: We try and make sure there's not water standing in beds. We do what we can with empty tires. We don't like them anymore that anybody else does and I think this Board has looked around and there may be other areas that they could be coming from.

Siler: That's why I asked about that ditch.

Price: Did we determine that ditch between this property and that other one, who is responsible for it.

Jimmy Marsh, 5737 Siler City Snow Camp Road, Siler City, NC 27344

That ditch, the way I understand it belong to nobody. That was an easement to get into the property years ago. I spoke to the owner of the gas station and his associate and I would agree to clean that up and I think I've got everyone's graces on that. And if there's people contributing water to it, that needs to be addressed.

Price: If it's an easement, you and the adjacent landowner have talked about it.

Jimmy Marsh: It's just dead property right there, if nobody owns it, its just going to grow up.

Price: The way it is right now, not only is it an eye sore, there's all kinds of stuff, tires, cans, you name it down in there. And you can't get in there and maintain it with anything now the way it is. I would like to see that cleaned up and be maintained, that would go a long way and make everything look better up there and I think it would help insect control.

Cheek: You have sixty days on here, what is the minimum days.

Jimmy Marsh: We don't buy to store, we got to get it broke down into parts. We do have a number of rebuilt cars; we've sold about fifty. Those you see as you go by there, those cars got to sit somewhere. In a weeks' time, I might buy one or two. That cars not going to be processed, so it's got to seat somewhere. It's not a hazard or again, it just got to get lined up to go to a body shop and it might require in sitting there for thirty days or sixty days, especially during deer season, I can't get nothing repaired.

Cheek: That's the point I'm getting at, if they are going to have to sit there that length of time and you have more cars coming in, what's going happen to those.

Jimmy Marsh: I'm not going slow down; I took seven out of there yesterday. I only have so much room. I took seven cars out yesterday and I had seven come in today. We're about at the max right now.

Price: The revise drawing and plans you have come up with, have you spoken to Kate with the Veterinary office.

Jimmy Marsh: No, I haven't, I actual brought the fence line back on that side with more room over there.

Fadley: So, bring that back was where the parking is, I think she was concerned about parking.

Jimmy Marsh: She's not parking on her property at all right now.

Fadely: Looks like you have moved this around, where we talked about this, not going in and out of the same driveway and not having the rely on the same driveway coming out at the car wash.

Jimmy Marsh: Yes

Charlie McLaurin, 194 Stagecoach Trail, Siler City, NC 27344
none

Jimmie Pugh, 330 Womble Street, Siler City, NC 27344

I've been there quite a while. Matter of fact, I was there before Marsh's junkyard got there. We are against anymore of our community being taken over by Marsh's junkyard, because I want y'all to understand our position. I saw your little article in the paper, the code person, nuisance, well that's a nuisance. You need to go back and fix the problem in the first place. You were duped when you got there, they got there illegally. But the Board didn't do anything about it once they found out. The only thing they gave me was, we will keep the cars lined up and we will keep out the mosquitos and take care of the rats. But what has this done to our property value. It's killing it. You all stand here, the Board sitting here, it's one family killed the life of twenty families. We have worked hard for our town and our community. But still the City Commissioners will set and let their duties, and they know they have the power to do, but they don't. Because I don't know why, maybe cause your buddies did it and you don't want to fix it. All over this silly claim of grandfather clause. That's the most ridiculous thing I've ever heard of in my life. All that is, is an excuse not to do anything about it, that's all that is. Then tell us, that we are causing the mosquitos. Pour water on my head and call it rain, no its not. If anybody come over there, they will tell you, you can't be out there two seconds without being eat up with mosquitos. And they are not coming from my place. I spray at least every other month, just to come outside and have any kind of life outside. My family can't come outdoors, we can't have a cookout. We can't do anything for any length of time because we get eat up by mosquitos. And you going tell me that you can have a general out with all those cars and you don't have mosquitos. Come on now. We all intelligent people, we know. We know where mosquitos come from, we know what it takes for them to breed and you ain't going tell me that all them junk cars out there don't have standing water. And you're going to let that situation occur in our community where we are trying to build up. As for a church being there over 100 plus years and you going let that happen right in front of their church. How many churches in Siler City open their doors to a junk car lot? I have worked all these years, to try and have something and then get it in a sense by the elected board that refuse to do their duty. Now you have the authority to do it. So, I'm just asking you, put yourself in my place and get up and do it. You ain't got to ask nobody, you know you have the authority to do it. And you know its out of compliance. I been on the Planning Board, we have a long discussion about an adult bookstore down the road here. That bookstore wouldn't have had as much damage as our problem over there. We can't do anything until you do something, feel me, get behind me. You don't work all your life to have something, but the people who can do something about it will set and do nothing and let your property go to zero. Just on the account of one family. You don't give a heck about the other twenty families. That's what it seems to me. But until you do something, that is the way I will feel. It's nothing personal against you but I want you to do your duty, because I know you can.

Bray: You made several allegations about how this come about. Do you have proof about these things that you're saying?

Jimmie Pugh: Yes, they know I'm right.

Bray: But do you have proof.

Jimmie Pugh: We can get proof. OK, I know some of y'all was on the Board, but if any of you recall, you had a Hardee's downtown. When they found out it was going to be a fast food restaurant, they said no we can't do that. So, Hardee's went to court and found out the ordinance had not been run long enough. It had been one day, check the facts, check the records, so they had to go back and do the whole ordinance again and, in the process, while they were running it to get it certified, what happen, this situation occurred. When the Board put a stop gap in place, to stop anything from happening. That's what you normally do, your UDO will be in violation. Would you pass our permission to do something, no, you will stop things until you got it straight? Which they should have done but they sat back and didn't do anything.

Bray: What year was that.

Jimmie Pugh: Back in the earlier sixties, cause in 1955 they weren't there. It was in the lower part. We were fine with the lower part, where the shell station was and the lot behind it. If you look at older maps, you can see where it normally was. Because it all used to be right behind there. But all that got bought up and there used to be a barn back there. Because, when I brought my land it was knocked down, because someone come up and said what they going do out there. So, from that day on, I have been talking about this to the Board to do something. Now this has been going on a long time y'all, forty plus years, probably. And I'm not going to give up on it because my life's work is worth more than that. I have worked hard for what I've got and I'm not going to lay down and let someone take it away, without me saying anything. When you go home tonight, look at your place and ask would I want junk cars out in front of my house. This line is about ten feet from some of the houses. They know that junk they got up ain't never been replaced. Now they talking about they going do all this stuff on the side of the road. It's not going happen, because it's not that way now and the Town's not doing anything about it. We been through all this, if you check the records, you will see. Any previous Town Board member, all ready know it, it's in your records, because it's in my records.

Judy Pugh, 330 Womble Street, Siler City, NC 27344

Our lot joins Marsh car lot and as my husband has spoken previously, yes, we have been fighting a long time, but nothing has taken place. And I guess, what bothers me the most is, a hold lot bothers me, but as I listen as Marsh stands here and talk and tell you how he's going fix up the one he wants rezoned, how he's going put a fence, how he's going plant trees, and how they going move the cars and keep them at a flow. I listened and I hope you listened because they said the same thing when they moved in over in the other car lot. And now that car lot, that area is overflowing with cars. And just the other day, I was standing in my kitchen window and I looked out and I said to Jimmie, you know this is sad because you can see them piling maybe two or three cars on top of each other, but now they are piling them up so high until the fence is no good. Now you going tell me that is fair and again I think about the mosquitos. Now I heard them talking all about covering it up and this and that. But the mosquitos in the summertime our children can't play outside, why, because of mosquitos. Now most of you have kids and they run all over the place in summertime with the little shorts on. That's kids, riding a bicycle. But I guarantee you that in our neighborhood they would get eat up with mosquitos. Nothing is said and nothing is done. Last year, during the summertime, I think one of your men that work for the town came out and he was observing everything, looking. He accused us of causing the mosquitos because of our trees, he said. I said oh really, he said yes ma'am, I have walked all through that car lot, I have found no water, I've found nothing. I told him, please go home, just please go home, because he knew he was telling a story. And that's the way I'm going leave it. But I plead to you today, we have even asked the Town Manager, I don't know if its this guy, I don't even know when you changed Town Managers. But they have came out and we could not even stand at the car lot and talk because of the mosquitos. You drive up in our yard in the summertime, you better roll the windows up before you get out, because if

not when you go to get in your car, your full of mosquitos. And to me this is so embarrassing. Then you might say, why don't you move, I wish we could, but we brought that property, our neighbors you see in the back, brought their property and it don't just reach us, it reaches all the way down the hill and you don't see people over there outside, why, because of the mosquitos. I just wish you would come and look at the situation. And now your going to tell me that you are considering allowing him to buy more land to put more cars on. And once you hear him say, where going do this and we going do that and we going make sure we do this. But you give two years, I guarantee it will be just like the one that joints us. Nobody cares, why, because we get tired of talking about the same thing. We talk about the same thing, but you can do something about it and stop talking about it. It sounds good what they want to do then it don't sound good. I heard them say one time two weeks, then I heard them say oh no sixty days, then I heard them say we called the people and as soon as we get the ordinance passed, we can go to work on the entry. Once they get the ordinance passed, sure they can do what they want to. Then I heard them also say this week they moved in seven cars and they moved out seven cars. What are you accomplishing, nothing? This is what we've be going through for over forty some years. My daughter was about seven when we moved in over there and she's now fifty-two. Maybe you will look at it and maybe you won't. But I wish you would take a stronger look at what's going on in our community. Yes, Holy Trinity Church, think God that's not my church, why, I went over there to a funeral several months ago and when I stepped out on to that porch, it was so embarrassing to look over that fence and see what I saw. Its just embarrassing and then you let them throw up a little black plastic fence. Not tall enough to cover, why, because they going pile cars up to the fence. So maybe one day you will see. Thank you

Tiffany Tyson, 302 Trinity Street, Siler City, NC 27344

I grew up at the resident, I'm thirty-nine now. I remember growing up and I could not play outside and my child now can not play outside. And it just hurts me that he has to sit in the house. I work twelve hours, so he's in the house when he gets done with school and in the summer. And I think it effects his asthma a little bit but I'm not sure. And I remember when I was a little girl, I could not do anything. So, I have to send him away in the summer to camps where he doesn't have to be the in house all the time. My mother can't sit outside. She is still living behind them and her back porch faces the Marsh's. It's just not a pretty site and I've been seeing it all most forty years and my mother is seventy-four and she has been there all her life, so she always seen it. I know from old pictures that it used to not be there. I have a picture to show proof that it was not always there. It was my grandmother's house and its been there since 1912 to 1915, that's when my great-grandfather built that house. This has been taken away from my family. Its not fair, not just for my mother, but for everyone in town. It used to be a daycare and the kids could be out there playing. I work in the health care field and I don't think its healthy, especially the mosquitos. It's not a pretty site for the town, when you drive through on 64 and turn. I can't even have a friend drive me to my mom's house. Because of what it looks like behind the house. It is not healthy; my dad is not that healthy. There's an old bus out there that has been out there since I was little, right outside by father's bedroom window. That black tarp has fell. Out my mother's back window, you can see it straight out there. Trees are coming over the fence and they need to redo the fence. They need to fix what they have now, try to work on what you have now. Don't add to what you have it's not healthy. My kid wants to be outside; he shouldn't have to stay in the house. It's not a pretty side. You need to come sit on somebody's porch in that neighborhood. Come sit there April March. You want to be able to sit there but about 10 or 15 minutes. I can show you proof; my sons' legs are horrible now. Just black spots from mosquitos and scratching. You need to work on something beside this junk yard right now. There is stuff going on in the town, this does not need to be on the radar. I came and brought a house here so I could be closed to my parents.

The Board of Commissioners discussed continuing the public hearing.

At 8:05pm, a motion to recess the public hearing for Marsh Auto Parts requests a conditional use district rezoning to rezone ~1.218 acres from Residential (R-10) to Highway-Commercial (H-C) for the proposed conditional use is a temporary storage area for receiving inventory for salvage yard operations, the subject property is located at 1110 Greensboro Ave. and is identified as tax parcel # 16464 until Monday, March 2, 2020 at 7:00pm was made by Commissioner Haiges, seconded by Commissioner Siler and unanimously approved.

PUBLIC HEARING

William & Maureen White proposes to rezone ~1.74 acres from Agricultural-Residential (A-R) to Highway-Commercial (H-C). The subject property is located along the eastern boundary of Loves Creek Church Rd. and is identified as parcel # 14372.

Mayor Grimes opened the public hearing for William & Maureen White proposes to rezone ~1.74 acres from Agricultural-Residential (A-R) to Highway-Commercial (H-C) at 8:06pm. (Incorporation by reference as if fully set forth herein Schedule F)

Meadows stated that the subject property is located along the eastern boundary of Loves Creek Church Road and is identified as parcel # 14372. The subject property is:

1. owned by William M. & Maureen M. White;
2. located outside the Town's Corporate Limits;
3. not located within the Loves Creek Watershed;
4. not located within a watershed protection area; and
5. not located within a special flood hazard area.

Meadows shared the size of the tract:

1. Subject tract is 1.74 acres and includes 1 property owner and 1 tax parcel
2. Size of surrounding tracts: an average of 8.39 acres

Meadows shared the compatibility with the existing Comprehensive Lan Development Plan:

1. Mixed use for the subject property.
2. These areas are 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. Public facilities such as City Hall and the Police Department are also often in these areas. 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.
3. Mixed use objectives and strategies:
 - a. Limit impacts of development of the environment and promote sustainability.
 - b. Encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks.
 - c. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
 - d. Encourage the continued commercial, retail, service, and office development of the central business district, as well as encouraging compatible residential uses.
 - e. Improve the appearance of properties.
 - f. Limit the proliferation of single-purpose highway-oriented commercial areas and encourage mixed-use development.

- g. Allow redevelopment of single-purpose commercial sites into mixed-use sites over time.
- h. Promote downtown Siler City as an active, attractive community that accommodates multiple uses such as the arts, small businesses, and residential.
- i. Encourage the development of affordable housing.
- j. Encourage close proximity of higher-density residential uses to mixed-use areas and compatible industrial areas.
- k. Encourage efficient use of transportation networks.
- l. Urban development densities should be restricted to areas in which sufficient water and sewer service is available.
- m. Continue to promote a variety of housing types to meet the demand of citizens from various economic levels.
- n. Preserve the existing housing stock by vigorously enforcing the minimum housing code and providing financial assistance to rehabilitate and stabilize deteriorating housing.
- o. Require that as a condition of receiving public water and/or sewer service, all new developments be incorporated into the Town limits.
- p. Promote cluster development with usable open space and amenities.
- q. Preserve the general character and intensity of the central business district.
- r. Ensure quality aesthetics in developments through appropriate landscaping, lighting, parking, and signage standards.
- s. Encourage planned developments.
- t. Develop driveway regulations to require access from service drives, prevent multiple driveways on a single lot, and control the spacing of driveways.
- u. Develop specific standards for those properties abutting major highway corridors, to place more stringent controls on building setbacks and height, vehicular access, sign size and location, and buffering of parking and service areas.
- v. Preserve the sites best suited for office and industrial development by identifying such areas and excluding non-supportive uses from those sites.
- w. Designate areas of the Town's planning jurisdiction as growth areas and give priority to utility extensions in those areas.
- x. Expand the greenway system of trails for bicyclists and pedestrians, and the Town's sidewalk network, in accordance with the Town's Pedestrian Plan.
- y. Explore the option of allowing developer fees-in-lieu for park facilities and other public facilities.
- z. Support development of public and private improvements in Central Business District in accordance with the Town's Downtown Master Plan.
- aa. Develop a planting plan for street trees along public rights-of-way.
- bb. Modify the development ordinances to be more user friendly where possible.
- cc. Develop policies to encourage maintenance of structures.
- dd. Develop policies to promote mixed-use development and redevelopment of commercial areas, including integrated residential uses.
- ee. Implement recommendations from the Town's 2016 Natural Resource and Conservation Study.
- ff. Develop flexible zoning standards that accommodate mixed uses in the CBD, which will assist in the adaptive reuse of buildings.

Meadows stated that the property is served by public water (sewer is ~400' from the subject property).
 Street/road frontage:

Street/Road	Road Frontage (feet)	Travel Lanes	Maintenance	Speed Limit (mph)	Average Daily Trips

Loves Creek Ch. Rd.	320	2	State	55	NA
------------------------	-----	---	-------	----	----

Meadows shared the impact on landowners, immediate neighbors, and the surrounding community:

Zoning District	H-C	A-R
Minimum lot size (square feet)	0	40,000
Recommended Minimum lot width	100	100
Front/street building setback	10	40
Side/rear building setback	0	20
Height limitation	60	35

Meadows stated that the A-R district is designed to accommodate agricultural and residential uses normally associated with: (1) agricultural uses normally associated with large tracts of uninhabited land near the fringe of urban areas. (2) single-family residential development in areas not served by town or county water and sewer facilities and that are not yet appropriate for development at higher densities. Some types of manufactured homes are allowed to be used for single-family residential purposes in this district.

Meadows stated that the H-C (highway-commercial) district is designed to accommodate the widest range of commercial activities including businesses that primarily draw from and provide services to major thoroughfares.

Meadows noted that the Board shall consider the entire range of permitted, special, and conditional uses for the existing and proposed zoning district as listed in the Table of Uses.

Meadows shared the relationship of uses:

1. Current use of subject property is vacant.
2. Surrounding land uses include; single family residential, manufactured home park, vacant, church, and motor vehicle repair.
3. Surrounded by A-R, R-6 (Residential), & H-C zoning

Meadows shared the Planning Board recommendations from the January 13, 2020 meeting:

The map amendment is approved and consistent with the adopted land development plan and any other officially adopted plan because the land development plan recommends:

1. Mixed use for the subject property.
2. These areas are 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. Limit impacts of development of the environment and promote sustainability.
3. Encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks.
4. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.

Bill White, 3001 Buckingham Way, Apex, NC 27502

Prepared by: Jenifer K Johnson, Town Clerk

I'm here to answer any questions. We want to relocate our business from Wake County to here.

Adam Safrit, 382 Pearleman Teague Road, Siler City, NC 27344

I used to live next door in the trailer that burned. The road is very small to put highway commercial on and needs to be widened.

Mayor Grimes closed the public hearing at 8:23pm.

A motion that the map amendment for William & Maureen White proposes to rezone ~1.74 acres from Agricultural-Residential (A-R) to Highway-Commercial (H-C), the subject property is located along the eastern boundary of Loves Creek Church Road and is identified as parcel # 14372 is approved and consistent with the adopted land development plan and any other officially adopted plan because the land development plan recommends mixed use for the subject property, these areas are 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. Limit impacts of development of the environment and promote sustainability and encouraging development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks and the action taken is reasonable in the public interest because it encourages attractive commercial development in appropriate locations suitable for commercial purposes was made by Commissioner Fadely, seconded by Commissioner Brown and unanimously approved.

Town of Siler City proposes text amendments to §18 Definitions (Substantial Clearing, Grading, or Excavation), §136 Definitions (Inert Debris Beneficial Fill), and §154 Inert Debris Beneficial Fill of the UDO.

Mayor Grimes opened the public hearing for the proposed text amendments to §18 Definitions (Substantial Clearing, Grading, or Excavation), §136 Definitions (Inert Debris Beneficial Fill), and §154 Inert Debris Beneficial Fill of the UDO at 8:24pm. (Incorporation by reference as if fully set forth herein Schedule F)

Meadows shared the following documents:

1. draft ordinance amending Article 2, 10, and 11
2. final ordinance amending Article 2, 10, and 11
3. aerial photo of 120 Loves Creek Church Rd. & 901 E. 11th St.
4. Simplified Overview of the Sedimentation Pollution Control Act of 1973
5. worksheet.

Meadows stated that the proposed amendments were first discussed with property owners who recently brought in inert debris beneficial fill. Town staff shared the discussion with the Planning Board at the November 2019 meeting. The Planning Board initiated the proposed amendments at the November 2019 meeting.

Meadows 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.

Prepared by: Jenifer K Johnson, Town Clerk

3. Modify the development ordinances to be more user-friendly where possible.

Meadows shared the Planning Board recommendations from the January 13, 2020 meeting:

The amendments are approved and consistent with the adopted LDP and any other officially adopted plan because the LDP recommends:

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.

Mayor Grimes closed the public hearing at 8:31pm.

A motion that the text amendments to §18 Definitions (Substantial Clearing, Grading, or Excavation), §136 Definitions (Inert Debris Beneficial Fill), and §154 Inert Debris Beneficial Fill of the UDO 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, 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 modifying the development ordinances to be more user-friendly where possible was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

OLD BUSINESS

Policy Updates

Darden stated that shared two proposed policies with the Board of Commissioners. (Incorporation by reference as if fully set forth herein Schedule H)

Darden first shared a Vehicles Owned by the Town policy with the Board of Commissioners.

Darden stated that the Town currently does not have a vehicle use policy.

Darden stated that the policy is following the presentation on October 15, 2019 at the Board of Commissioners meeting by Matthew Selves, Public Safety Risk Management Consultant with the NC League of Municipalities regarding Workers Compensation and Liability in which the Board of Commissioners requested a policy be brought back for review.

Darden shared the following proposed policy:

VEHICLES OWNED BY THE TOWN

Any employee required as part of the essential functions of his or her job to be able to operate a town-owned vehicle must possess a valid NC driver's license that meets the requirement for the vehicle. Use of a town-owned vehicle by an employee is neither a right nor a privilege but a trust conferred to facilitate necessary performance of duties. Town-owned vehicles shall be assigned and used only in the performance of official duty and not for any personal use. Vehicle assignments, as well as vehicles allowed to be driven home by employees due to job necessity, must be prior approved by the Town Manager and proper documentation completed with Human Resources prior to take-home use. Any revision must be approved by the Town Manager and documentation updated with Human Resources prior to the change taking place.

The Board of Commissioners discussed the policy and asked staff to bring back detailed cost of employees driving vehicles home to a future workshop.

A motion to approve the following Vehicles Owned by The Town Policy: Any employee required as part of the essential functions of his or her job to be able to operate a town-owned vehicle must possess a valid NC driver's license that meets the requirement for the vehicle. Use of a town-owned vehicle by an employee is not a right but a privilege and a trust conferred to facilitate necessary performance of duties. Town-owned vehicles shall be assigned and used only in the performance of official duty and not for any personal use. Vehicle assignments, as well as vehicles allowed to be driven home by employees due to job necessity, must be prior approved by the Town Manager and proper documentation completed with Human Resources prior to take-home use. Any revision must be approved by the Town Manager and documentation updated with Human Resources prior to the change taking place as made by Commissioner Haiges, seconded by Mayor Pro Tem Cheek and unanimously approved.

Darden secondly shared a proposed revision for to the Town's current Call-back and Stand-by Pay policy. Darden stated that the new policy would be renamed On-call and Call-back Status. Darden stated that the policy under The Pay Plan in the Town of Siler City Personnel Policy. The proposed policy is to maximize our salary dollars for time worked in departments where On-call and Call-back situations are required by employees due to their position and scope of work.

The Board of Commissioners asked questions of Darden and other Staff members present and asked for the policy to be discussed with the Department Heads and a recommendation be brought back to the Board of Commissioners at a future meeting.

NEW BUSINESS

none

MANAGER'S REPORT

TOWN ATTORNEY INFORMATION

none

GOVERNING BODY COMMENTS

A motion to excuse Commissioner Siler for the remainder of the meeting at 9:25pm was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

A motion to excuse Mayor Grimes for the remainder of the meeting at 9:30pm was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

Mayor Pro Tem Cheek started presiding over the meeting.

CLOSED SESSION

A motion to go § 143-318.11 (a) (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes at 9:31pm was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.

A motion to come out of closed session at 9:50pm was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

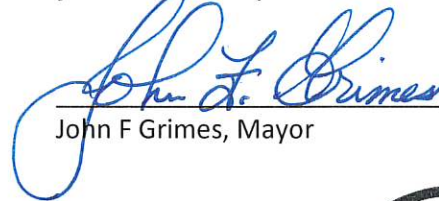
A motion to have the Town Manager enter into a contract with Vc3 for computer services was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.

A motion to go into § 143-318.11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract at 9:53pm was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.

A motion to come out of closed session at 10:02pm was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

ADJOURNMENT

With no further business the Board of Commissioners adjourned at 10:03pm.



John F Grimes, Mayor

ATTEST:


Jenifer K Johnson, Town Clerk