

### TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, October 1, 2018** at 7:00pm in City Hall Courtroom with Mayor Grimes presiding. Mayor Grimes gave the invocation with the recitation of the Pledge of Allegiance following. Haiges recited the Town of Siler City Mission Statement and Commissioner Price 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 Bryan Thompson, Attorney William Morgan, Finance Director Roy Lynch, Parks and Recreation Director Joseph Keel, Planning Director Jack Meadows, Human Resources Director Nancy Darden, Interim Police Chief Jean Miller, and Town Clerk Jenifer Johnson.

### AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Thompson asked to add 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.

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

### CONSENT

*A motion to approve the consent agenda which includes the July 23, 2018 Joint Minutes (Incorporation by reference as if fully set forth herein Schedule A), Facilities Use Agreement/Polling Place/Fitts Center (Incorporation by reference as if fully set forth herein Schedule B), Resolution Accepting State Reserve Loan and Grant (Incorporation by reference as if fully set forth herein Schedule C), and Fire Protection Contract with Chatham County (Incorporation by reference as if fully set forth herein Schedule D) was made by Mayor Pro Tem Cheek, seconded by Commissioner Haiges and unanimously approved.*

### PUBLIC COMMENT

Quenna Scotton, 1110 14<sup>th</sup> Street, Siler City, NC 27344

At the end of my street, there is a creek that comes through and when it rains it causes the whole area to flood. In the last 13 to 14 years, I've had 3 to 4 cars that have about ran into the creek. The storm we just had, we had a truck that was about in the creek. I talked to Jack and maybe putting a bar rail there. I would really love to have a street that would go through that area. The area keeps detreating and it's getting so close to the house. I sent and brought some pictures of just a regular rain and the rain from the storm which got all the way up to the side of my house. I want to see if the town can do something to help me to get this road put through there. The bar rail might stop people but I still have the property on the other side of the creek where my building is and I can't get to that because Mr. Cheek owns the back side of it and he won't let me access to get to it.

Mayor Pro Tem Cheek stated that she had spoken to him about it and it's located below the pump station.

Scotton stated from the pictures what is going the happen 10 years from now.

Mayor Grimes asked Meadows what the Board of Commissioners can do about the issue. Meadows stated that Staff had met about the hurricane and the flooding and staff had some ideas. The Board of Commissioners discussed the area and thanked Scotton.

#### PRESENTATION

##### 2018 National Night Out Video by Mark Zeringue

The Board of Commissioners watched the National Night Out video that was made by Mark Zeringue.

#### PUBLIC HEARINGS

To consider the request of Apex Investment, Inc. ("the Company"), for economic development incentives. Under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by the Company of at least \$6,000,000.00 in facility upgrades, machinery and equipment. The project would result in the creation of (19) new jobs, at an average annual wage of \$33,200 which is in excess of the average wage in the Town of Siler City for full-time employment, plus other benefits. The contemplated incentives would last for a period of five years. The maximum amount of incentives to be considered in this grant over the five years would be \$33,100.

Mayor Grimes opened the public hearing to consider the request of Apex Investment, Inc. ("the Company"), for economic development incentives at 7:26pm. (Incorporation by reference as if fully set forth herein Schedule E)

Chatham County Economic Development Interim President Alyssa Byrd stated under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by the Company of at least \$6,000,000.00 in facility upgrades, machinery and equipment. The project would result in the creation of (19) new jobs, at an average annual wage of \$33,200 which is in excess of the average wage in the Town of Siler City for full-time employment, plus other benefits. The contemplated incentives would last for a period of five years. The maximum amount of incentives to be considered in this grant over the five years would be \$33,100. Byrd shared an Economic Impact Study for the project. The Board of Commissioners discussed the project. Mayor Grimes closed the public hearing at 7:43pm.

*A motion to approve the incentives for Apex Investment and have the Town Attorney draw up a contract was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.*

Town of Siler City proposes to rezone the following parcels located along the S. Chatham Ave. and railroad corridor: a) 16280 (S. Cedar Ave, 3.35 acres), 16281 (Railroad, 1.547 acres), 61438 (W. Dolphin St, 0.76 acre), 16358 (W. Elk St, 0.96 acre) from R-20 (Residential) to G-C (General Commercial), & 17202 (W. Elk St, 62.866 acre) from L-I (Light Industrial) to G-C (General Commercial).

Mayor Grimes opened the public hearing for the proposes rezoning to the following parcels located along the S. Chatham Ave. and railroad corridor: a) 16280 (S. Cedar Ave, 3.35 acres), 16281 (Railroad, 1.547 acres), 61438 (W. Dolphin St, 0.76 acre), 16358 (W. Elk St, 0.96 acre) from R-20 (Residential) to G-C (General Commercial), & 17202 (W. Elk St, 62.866 acre) from L-I (Light Industrial) to G-C (General Commercial) at 7:45pm. (Incorporation by reference as if fully set forth herein Schedule F)

Meadows stated that the Town of Siler City proposes to rezone the following parcels located along the S. Chatham Ave. and railroad corridor: a) 16280 (S. Cedar Ave, 3.35 acres), 16281 (Railroad, 1.547 acres),

61438 (W. Dolphin St, 0.76 acre), 16358 (W. Elk St, 0.96 acre) from R-20 (Residential) to G-C (General Commercial), & 17202 (W. Elk St, 62.866 acre) from L-I (Light Industrial) to G-C (General Commercial).

Meadows stated that the subject property is:

1. owned by:
  - a. Piedmont Conservation Council
  - b. Nancy W. Brown Trust
  - c. Oscar Guarin
  - d. Raul & Rogelo Merlo
  - e. Mabry Holdings LLC
2. located inside the Town's Corporate Limits;
3. located within Central Chatham fire district;
4. located within the Duke Energy Progress electric service district;
5. not located within a watershed protection area; and
6. located within a special flood hazard area (portion of parcel # 16280 & 16281).

Meadows shared the size of the tract:

1. Subject tract is ~ 16.3 acres and includes 5 property owners and 5 tax parcels
2. Size of surrounding tracts: an average of 2.1 acres

Meadows shared the compatibility with Existing Comprehensive Land Development Plan (items below that are ***bold and italicized*** may be selected as reasons why the proposed amendment is consistent with the land development plan):

1. Low-density residential development for the subject property.
2. Conservation/recreation for the subject property.
3. Low-density Residential 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. Improve the appearance of properties.
  - d. Permit residential development at a low density in keeping with the character of many existing neighborhoods in the Town.
  - e. Maintain the integrity of existing neighborhoods.
  - f. Promote walkable, interconnected neighborhoods.
  - g. Encourage provision of recreation and park land for Town residents.
  - h. Encourage efficient use of transportation networks.
  - i. The portions of the planning region within and near the existing Town limits and not designated as industrial or mixed use areas should be preserved for future residential growth and the extension of public water and sewer to these areas should be a top priority.
  - j. ***Urban development densities should be restricted to areas in which sufficient water and sewer service is available.***
  - k. Preserve the existing density and scale of development in established residential neighborhoods by excluding the introduction of intensive, non-residential land uses into such neighborhoods and by avoiding the rezoning of established residential areas to a higher density.
  - l. ***Encourage in-fill development in established residential areas.***

- m. Preserve the existing housing stock by vigorously enforcing the minimum housing code and providing financial assistance to rehabilitate and stabilize deteriorating housing.
  - n. Require that as a condition of receiving public water and/or sewer service, all new developments be incorporated into the Town limits.
  - o. Revise zoning and subdivision ordinance standards to promote interconnectivity of neighborhoods and use of sidewalks.
  - p. Promote cluster development with usable open space and amenities.
  - q. Ensure quality aesthetics in developments through appropriate landscaping, lighting, parking, and signage standards.
  - r. Encourage planned developments.
  - s. Develop driveway regulations to require access from service drives, prevent multiple driveways on a single lot, and control the spacing of driveways.
  - t. 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.
  - u. Designate areas of the Town's planning jurisdiction as growth areas and give priority to utility extensions in those areas.
  - v. Provide parks and recreation programs to meet the recreation and fitness needs of all citizens of Siler City.
  - w. Expand the greenway system of trails for bicyclists and pedestrians, and the Town's sidewalk network, in accordance with the Town's Pedestrian Plan.
  - x. Coordinate with county schools to look for ways to share recreation facilities and to encourage pedestrian access to schools.
  - y. Explore the option of allowing developer fees-in-lieu for park facilities and other public facilities.
  - z. Develop a planting plan for street trees along public rights-of-way.
  - aa. Encourage schools and other public facilities to be located in walkable, convenient locations proximate to high-density areas.
  - bb. Modify the development ordinances to be more user friendly where possible.
  - cc. Develop policies to encourage maintenance of structures.
  - dd. Implement recommendations from the Town's 2016 Natural Resource and Conservation Study.
  - ee. Prevent the conversion of residences to other land uses unless such conversion will assist in stabilizing the large residential neighborhood or unless such conversion will preserve the unique quality or architectural significance of residences.
4. Conservation and Recreation Objectives and Strategies
- a. Limit impacts of development of the environment and promote sustainability.
  - b. Improve the appearance of properties.
  - c. Encourage provision of recreation and park land for Town residents.
  - d. Encourage preservation of sensitive environmental areas from development.
  - e. ***Encourage efficient use of transportation networks.***
  - f. Promote cluster development with usable open space and amenities.
  - g. Ensure quality aesthetics in developments through appropriate landscaping, lighting, parking, and signage standards.
  - h. Develop driveway regulations to require access from service drives, prevent multiple driveways on a single lot, and control the spacing of driveways.

- i. 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.
- j. Provide parks and recreation programs to meet the recreation and fitness of all citizens of Siler City.
- k. Expand the greenway system of trails for bicyclists and pedestrians, and the Town's sidewalk network, in accordance with the Town's Pedestrian Plan.
- l. Coordinate with county schools to look for ways to share recreation facilities and to encourage pedestrian access to schools.
- m. Explore the option of allowing developer fees-in-lieu for park facilities and other public facilities.
- n. Develop a planting plan for street trees along public rights-of-way.
- o. Modify the development ordinances to be more user friendly where possible.
- p. Implement recommendations from the Town's 2016 Natural Resource and Conservation Study.

Meadows stated that 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 |
|----------------|----------------------|--------------|-------------|-------------------|---------------------|
| W. Dolphin St. | 150                  | 2            | Town        | 35                | NA                  |
| W. Elk St.     | 459                  | 2            | Town        | 35                | NA                  |

The pedestrian master plan recommends pedestrian improvements along W. Elk St.

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

| Zoning District                | L-I | R-20   | G-C |
|--------------------------------|-----|--------|-----|
| Minimum lot size (square feet) | 0   | 20,000 | 0   |
| Minimum lot width              | 100 | 100    | 100 |
| Front/street building setback  | 30  | 35     | 15  |
| Side/rear building setback     | 20  | 15     | 0   |
| Height limitation              | 90  | 35     | 60  |

Meadows noted that the Board of Commissioners 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, conservation/recreation, forestry
- 2. Surrounding land uses include; single- & two-family residential, church, sawmill, motor vehicle repair, car wash, railroad, and vacant
- 3. Surrounded by R-20, L-I, A-R, R-10, C-C, and G-C zoning

Meadows shared the Planning Board recommendations from the August 13, 2018 meeting:

- 1. The planning board tabled the item and will consider a recommendation at their September 10, 2018 Planning Board meeting.
- 2. The planning board's discussion centered around questions of why rezone:
  - a. property on the west side of the tracks to a mixed use zoning district when the surrounding neighborhood is currently residential and the land development plan recommends residential; and
  - b. the Mabry property since the owner wants it to be zoned light-industrial.

3. The planning board shall prepare and submit a written recommendation to the town board as soon as practical, but not later than thirty-five (35) days (September 17, 2018) following the date of the planning board meeting. Failure of the planning board to submit a recommendation to the town board within the prescribed time limit shall be construed as a favorable recommendation.

Meadows shared the following from the Board of Commissioners Public Hearing held on August 20, 2018:

1. The Town Board opened and recessed the public hearing until September 17, 2018.
2. The Town Board's discussion centered around the Mabry property and the list of permitted uses within the G-C and L-I zoning district.

Meadows shared the Planning Board recommendations from the September 10, 2018 meeting:

1. Rezone parcel # 16281, 61438, & 16358 from R-20 to General-Commercial (G-C)
2. Do not rezone parcel # 16280 & 17202
3. Amend the land development plan:
  - a. From rural residential to mixed use for parcels 61438 & 16358; and
  - b. For that portion of parcel # 16281 located outside of the FEMA floodplain from rural residential to mixed use.

Burnace Hancock, Jr. PO Box 592, Siler City, NC

I'm here to speak on behalf of the property owner of parcel number 17202, Homer Gaines, who is from Atlanta, GA. Mr. Gaines would like to keep his parcel zoned Light Industrial, since the property is on the railroad tracks and he owns the adjacent property.

Mayor Grimes closed the public hearing at 8:29pm.

The Board of Commissioners discussed the rezoning and the Planning Board recommendations and concludes.

***A motion to approve rezoning to the following parcels located along the S. Chatham Ave. and railroad corridor: a) 16280 (S. Cedar Ave, 3.35 acres), 16281 (Railroad, 1.547 acres), 61438 (W. Dolphin St, 0.76 acre), 16358 (W. Elk St, 0.96 acre) from R-20 (Residential) to G-C (General Commercial), & 17202 (W. Elk St, 62.866 acre) from L-I (Light Industrial) to G-C (General Commercial) and declaration that the approval is also an amendment to the land development plan, and the change in conditions the board took into account in amending the land development plan to meet the development needs of the community: the moratorium, the evidence received during the moratorium, the new zoning classification for general commercial, and change is economic and overall conditions of our community, the low density residential development for the subject area, and because the Land Development Plan recommends encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks, urban development densities should be restricted to areas in which sufficient water and sewer service is available, encourage in-fill development in established residential areas and the action taken is reasonable and in the public interest because it promotes the general health, safety, and welfare of the citizens of the town and promotes conservation and recreation objectives and strategies to encourage efficient use of transportation networks was made by Commissioner Fadely, seconded by Commissioner Haiges.***

The Board of Commissioners discussed the motion.

*Voting for the motion: Constantino, Fadely, Haiges, Price*

*Voting against the motion: Bray, Cheek, Siler*

#### OLD BUSINESS

##### Loves Creek Watershed Stewards- Boling Lane Park

Meadows stated that an explicit goal of the Board of Commissioners has been to develop and promote an overall environment that advances the ability for the existing business community to thrive and expand and enhance the community's ability to attract new commercial and industrial investments. In part, this goal has been met with a number of initiatives spurred-on by the Board of Commissioners and Town Staff including, but not limited to: UDO revisions; Appearance Committee recommendations; support to Chatham EDC; grant advocacy for new and expanding local businesses; façade grants; expedited zoning processes; multilevel partnership for CAM Site development; airport improvements; commissioning studies such as Downtown and Pedestrian Master plans; interest with brownfield evaluations; and "quality of life" improvements such as greenway and sidewalks. (Incorporation by reference as if fully set forth herein Schedule G)

Meadows stated as a means to continue these efforts, the Loves Creek Watershed Stewards offered presentations back in 2014 on additional measures that can be taken to further increase the long-term viability for existing and future developments. A number of important development areas within the corporate limits of the Town endure continued stormwater and flood hazard issues. In addition to stormwater capacity shortages, water quality issues are compounded by underutilization of best management practices (BMPs) within the Loves Creek Watershed. Loves Creek is listed as federally impaired stream. This designation makes Siler City eligible for federal, state, and private grants to improve water quality of the stream. Community meetings have been held at least quarterly since 2014 to discuss the Loves Creek Watershed area and issues, grant funding and criteria, project ideas and prioritization. The Loves Creek Watershed Stewards have acquired ~\$542,837 in grant funds since 2014.

Meadows invited the Loves Creek Watershed Stewards to offer a presentation that details current and proposed projects that can improve water quality, stormwater, watershed, and flood hazard issues. By addressing these important issues the Town can improve future development/redevelopment capacity and capability, recreation opportunities, and aesthetics.

Meadows shared the project list:

1. Conservation Plan - \$18,000 grant (Triangle J COG)
2. Boling Lane Park Wetland BMP - \$150,000 grant (Piedmont Conservation Council)
3. Boling Lane Park Riparian Buffer - \$3,618 grant (Chatham Soil & Water Conservation District)
4. Cedar Ave. Environmental Enhancement - \$270,000 grant (Piedmont Conservation Council)
5. Park Shopping Center Planning Study - \$101,219 grant (Piedmont Conservation Council)
6. Applying for stormwater infrastructure mapping/prioritization grant (Triangle J COG)
7. Applying for 319 grant at Bray Park (Chatham Soil & Water Conservation District)
8. Applying for water reuse grant for Jordan Matthews High (Chatham Soil & Water Conservation District)

Members with the Loves Creek Watershed Stewards updated the Board of Commissioners on the Boling Lane Park Loves Creek Watershed Restoration Project. The Board of Commissioners discussed the project.

The Loves Creek Watershed Stewards updated the Board of Commissioners on a new project on South Cedar Avenue and asked the Board of Commissioners to approve a resolution to accept conveyance of the property once the project is complete.

***A motion to approve the resolution to accept conveyance of approximately 1.55 acres tract on South Cedar Avenue (Tax Parcel ID 0016281) by Piedmont Conservation Council subject to conservation easement, following ecological restoration the tract which is located along a tributary of Loves Creek was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.***

#### Chatham Trades – Parks and Recreation Offices

Keel stated that Staff contracted with a commercial inspector on September 7<sup>th</sup> to inspect both buildings on the Chatham Trades property. The commercial inspection cost \$940. The inspection revealed several cracks in the foundation, corrosion issues with the roof, rust concerns on the exterior of the building, issues with the windows and many other items that will need to be addressed. Keel shared the full inspection report. (Incorporation by reference as if fully set forth herein Schedule H)

Keel stated that Staff also researched getting an appraisal on the Chatham Trades property and was informed an appraisal would cost \$2,500. Chatham Trades had a bank order appraisal done in February of 2017. Keel shared that appraisal.

The Board of Commissioners discussed the repairs and asked Keel to get prices on the cost of the repairs.

### **NEW BUSINESS**

#### Mural Permit – 229 N Chatham Avenue

Meadows stated that Wren Farrar is proposing to install a 16' tall by 60' wide mural along the western exterior wall at 229 N. Chatham Ave. The subject wall faces the railroad. *(Incorporation by reference as if fully set forth herein Schedule I)*

Meadows shared the definition of Mural: "An image, such as a painting or enlarged photograph, applied directly to a wall or external ceiling."

Meadows shared the §274 Special Provisions for Certain Signs

#### (n) Murals

- (1) Murals are allowed with a mural permit.
- (2) Murals are purely artistic forms of expression. While basic content is free from evaluation, obscenity and other language deemed questionable may require approval.
- (3) Depending on content, murals will be evaluated for signage calculation and the remaining area can be deemed a mural. If the following content are incorporated within a mural, those items shall be classified as signage and comply with the standards for attached wall signs and be included in the attached wall sign area calculation:



- (a) advertising message for contemporary establishments and/or contemporary merchandise/services;
  - (b) advertisement for products, services, or businesses;
  - (c) commercial text;
  - (d) logos;
  - (e) registered trademarks; and
  - (f) containing graphics (other than logos or registered trademarks) related to goods and services provided on site.
- (4) Murals are highly visible in the public realm and may express town history and community character. In the absence of a recognized group tasked to review and consider these qualities, and the artistic intent of the design, evaluation will be regulated on a content-neutral basis. The following design requirements have been determined advantageous to the community in mural placement.
- (5) No person shall paint a wall mural on the exterior of any structure or change any existing mural on the exterior of any structure prior to the issuance of a Mural permit. The following design criteria shall apply to any mural artwork commissioned.
- (a) The proposed wall mural shall be well integrated with the building and neighboring structures and is harmonious with the surrounding environment. The proposed wall mural, by its design, scale, construction and location, shall not have a substantial adverse effect on abutting property or the permitted use, and will contribute to Siler City unique character and quality of life.
  - (b) The proposed wall mural shall exhibit exceptional design quality that enhances the overall development and appearance of Siler City. The paint and/or materials to be used and applied on the structure shall be appropriate for use in an outdoor locale for an artistic rendition and shall be of a permanent or long lasting variety.
- (6) Maintenance of the wall mural is the responsibility of the property owner. It shall be the property owner's responsibility to remove the wall mural if it is not maintained as required. While natural aging is acceptable, murals that are not maintained sufficiently may be considered a public nuisance.
- (7) A mural permit application shall be completed by the building owner or their applicants assign and submitted to the Town Planning office. Review and approval must be obtained from the committee/board designated by the Town Board. The application shall include at a minimum the intended location of the mural, size, subject matter, medium and a summary of the general color palette to be used. A visual representation shall also be included in the application.

*A motion to approve the mural permit for Wren Farrar to install a 16' tall by 60' wide mural along the western exterior wall at 229 N. Chatham Ave was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.*

**MANAGER'S REPORT**

none

**TOWN ATTORNEY INFORMATION**

none

**GOVERNING BODY COMMENTS**

none

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

**CLOSED SESSION**

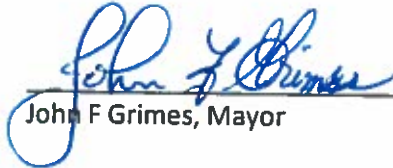
*A motion to go into Closed Session 143.318.11(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee was made by Commissioner Fadley, seconded by Commissioner Haiges and unanimously approved at 9:55pm.*

*A motion to come out of closed session was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved at 11:08pm.*

*A motion for the Town Manager to deviated from the Springstead Pay Plan within the range as needed within reason was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.*

**ADJOURNMENT**

With no further business the Board of Commissioners adjourned at 11:20pm.

  
\_\_\_\_\_  
John F Grimes, Mayor

ATTEST:

  
\_\_\_\_\_  
Jenifer K Johnson, Town Clerk

