

TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, November 2, 2015** at 7:00pm in City Hall Courtroom with Mayor John Grimes presiding. Commissioner Price gave the invocation with the recitation of the Pledge of Allegiance following.

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

ELECTED TOWN OFFICIALS ABSENT: Bill Haiges

TOWN STAFF PRESENT: Town Manager Bryan Thompson, Finance Director Tammy Speicher, Attorney William Morgan, Parks and Recreation Director Jessica Puckett, Police Chief Gary Tyson, and Town Clerk Jenifer Everage.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Manager Thompson requested the addition of item d) Pool Funding Options under Old Business and Closed Session 143-318.11(a)(6) for an employee issue.

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

CONSENT

A motion to approve the consent agenda which includes October 15, 2015 Minutes (Incorporation by reference as if fully set forth herein Schedule A), October 19, 2015 Minutes (Incorporation by reference as if fully set forth herein Schedule B), and October 19, 2015 Closed Session Minutes (Incorporation by reference as if fully set forth herein Schedule C) was made by Mayor Pro Tem Cheek, seconded by Commissioner Price and unanimously approved.

OLD BUSINESS

Yard Sales

(Incorporation by reference as if fully set forth herein Schedule E)

Thompson stated in addition to general code enforcement issues (i.e. nuisances, minimum housing, etc.), questions concerning yard sale activities and the regulations and enforcement of the same have been raised. Thompson shared the language of the Town Code pertaining to yard sales.

Thompson stated that the Town Code regulates yard sales that take place on residential properties. However, yard sales have popped up, with frequency and volume, on non-residential properties. Furthermore, Staff has noted multiple complaints about the restrictiveness of the residential yard sale regulations (i.e. allowing a maximum of two yard sales per year per residential property).

Thompson stated that the yard sale language in the Town Code was adopted in 1990. The community and economic context of the Town have changed dramatically since this time. As there has been an observed increase in non-residential yard sales and concerns raised about the limitation of the number of yard sales a single residence can have during a given year, Staff requests the Board to offer thoughts and direction on these activities, standards regulating such activities, and the manner of enforcement for the same. Thompson shared the following important considerations:

- Residential Yard Sales are governed through the Town Code, which is the police powers of the Town
- Non-residential Yard Sales-type activities are regulated through the Unified Development Ordinance (UDO)
- Though there is a delineation between enforcement authority (Town Code vs. UDO), yard sales in general (residential and otherwise) have been traditionally enforced through the language afforded by the Town Code
- Frequency and Intensity of such activities have necessary impacts to vehicular and pedestrian traffic and traffic ways and to surrounding properties and neighborhoods
- Yard Sales are customarily incidental to residential properties. Therefore, from a land use perspective, such uses are permitted by right.
- However, high frequency of such activities at a residential property would undergo increased scrutiny as the activity may tend to graduate to more than "incidental" to the primary residential use
- Dependent on UDO interpretation, yard sale-type activities may not be considered customarily incidental to a commercial, industrial, or institutional use

Thompson shared the following generic approaches:

1. Make minor language modifications to the Town Code to clarify the distinction between residential and non-residential yard sale-type activities and the extent to which the same is permitted. Allowing only residential properties to conduct yard sales (as the code is currently written), while enabling the UDO regulations to govern all other properties. This approach would maintain the maximum limit of yard sales on a given residential property. This option would maintain much of the current regulatory language and enforcement would be split between the two codes (Town Code and UDO)
2. Utilize approach no.1, but modify the maximum number of yard sale events that can take place at an individual residence within a given year.
3. Modify the Town Code to allow yard sale activities on non-residential properties in the same way as residential (with or without modifying the maximum number of yard sale events within a given year).
4. Remove all yard sale regulations from the Town Code, thereby moving all regulatory oversight to the UDO. Modifications to the UDO would be required to establish clear limitation and standards, similar to that of the Town Code language.

Thompson stated that the four listed options do not represent all available approaches, but offer a general overview of such options that represent the spectrum of what considerations are available. Each approach, listed and otherwise, will have particular benefits and drawbacks.

Thompson asked what the primary questions to be answered through this discussion are:

- What yard sale activity is beneficial to the community while limiting negative impacts to the community?
- What is the best enforcement framework to ensure effective administration?

The Board of Commissioners discussed the yard sale issue and asked staff to do some more research of what other communities do.

Solid Waste Collection

(Incorporation by reference as if fully set forth herein Schedule F)

Thompson stated over the course of the past year, a number of discussions relating to the solid waste collection program of the Town has been visited by the Board and Staff. These discussions were prompted by various interest, including:

- Level of service – generally involving volume of what will be picked up and the type of items to be picked up
- The appearance of items being placed to the street to be picked up
- Under what conditions items will/will not be picked up (i.e. contracted services vs. property-owner generated waste)
- Consistency and timeliness of service delivery
- Actual cost of providing such services

Thompson stated in consideration of these multiple discussions, Staff is developing a draft of potential language revisions to the Town's Solid Waste Ordinance. The intent of this language is to accomplish the following:

- Promote the general appearance of the Town
- Establish a reasonable expectation for the level, frequency, and consistency of services provide
- Better ensure timeliness of service delivery
- Establish standards that promote equity of service availability to the community
- Promote a more fiscally sound service delivery model that protects the interest of taxpayers

Thompson shared an overview of language revision points:

- Require all construction projects to have on-site receptacles for the storage of construction debris to prevent such debris to be windblown or otherwise scattered
- Establish a timeframe for rollout containers to be removed from street side following the collection of household and recycling waste
- Establishing the location of rollout containers when not placed at the street for collection (i.e. behind the front building line)
- Removing many of the requirements for how yard waste is placed at the edge of the street. Such language is no longer relevant on account of the equipment used to collect such waste. However, some placement requirements will remain. These requirements will enable more effective collection for the periods of time when the standard collection equipment is out of service.
- Establish a cap on the volume of yard waste (not including leaves and grass clippings) that will be collected on a weekly basis
 - The cap is proposed to be an amount equivalent to one "grab" of the knuckle boom. Staff is still working on this language to ensure clarity of intent
- Establish a tiered system for yard waste that exceeds the defined cap.
 - The working language, at this point, identifies three tiers beyond the cap

- Establish a fee schedule for each tier
 - The Town will collect up to the cap amount of yard waste and leave a notice for the property owner, informing the property owner of the excess volume of yard waste. The notice will indicate what tier the remaining amount of yard waste constitutes. The property owner can choose to remove the waste him/her self or pay the Town for the removal of the remaining amount of yard waste. The remaining yard waste will be collected in the next week's round of collection.
 - If the property owner does not remove the waste within a defined period of time, or if the owner does not arrange for the Town to collect the same within a defined period of time; the Town will begin code enforcement action – pursuant to nuisance code.
 - Subsequent to code enforcement action, if the violation remains, the Town will issue a final notice of violation that informs the property owner that the nuisance will be abated by the Town and a fee for the abatement (cost of collection and disposal) will be issued to the property owner in accordance with the Town Code.
- Remove language from the Solid Waste Ordinance that prohibits the collection of yard waste produced by contract work

White and Brown Goods (Bulky Waste) Overview

Thompson stated in discussion with Terry Green, Public Works Director, the proposed language will not make any material changes to the collection of bulky waste. According to Green, though there are some issues with this function of the collection program, the more impactful issues with the larger collection program involve yard waste. Therefore, the language being crafted by Staff focusses more directly on yard waste, and less with respect to bulky waste items.

The Board of Commissioners discussed the solid waste issue and the number of “grabs”. The consensus of the Board of Commissioners was to approve the policy language as presented with two grabs.

Appearance Commission Enacting Language

Thompson stated at its October 15, 2015 special meeting, the Board of Commissioners reviewed sample purpose statement language for the standing Siler City Appearance Commission. The purpose statement will serve as the guiding framework on which the remaining language will depend. Based on the feedback at this meeting, the following is drafted language for the purpose statement. Staff seeks comments from the Board. The draft language can be reworked in any way the Board may desire.

Thompson shared the following Appearance Commission Purpose Statement – Draft

The purpose of the Siler City Appearance Commission is to promote and enhance the appearance of the town through:

- 1) Planning and conducting projects that improve visual quality and cleanliness of the town;
- 2) Formulating regulation and policy recommendations to the Siler City Board of Commissioners concerning appearance issues, including, but not limited to, landscape and sign regulations and general urban design standards;
- 3) Promoting and disseminating “best management practices” that are sound examples of enhancing community appearance for residential, commercial and public spaces;
- 4) Acknowledging achievements and excellence of citizens in fulfilling the purpose of this Commission; and

- 5) Partnering with governmental, nonprofit and civic organizations in addition to private residential and non-residential property owners willing to assist with or in need of appearance improvement or cleanliness efforts.

Thompson stated that staff seeks guidance from the Board to ensure the purpose of the proposed Commission, as outlined in the above, clearly identifies the expected role and efforts of the Commission.

The consensus of the Board of Commissioners was to move forward with the proposed language as presented.

Pool Funding

McGill Associates shared the following information with the Board of Commissioners:

Recap:

- Comprehensive Parks and Recreation Master Plan Adopted by BOC on October 19
- Plan includes Steering Committee's Recommendation (Option "1B") for Renovations to Bray Park Pool
- Opinion of Probable Cost: \$575,000 for Pool Plus \$150,000-\$250,000 for Bath House

Revised concept per Steering Committee recommendation includes considering small shelter adjacent to bath house.

Grant and Loan Opportunities Evaluated

- NC Parks and Recreation Trust Fund
- USDA – Rural Development
- Golden LEAF Foundation
- Others (Non-Profits, Conventional Financing, etc.)

NC Parks and Recreation Trust Fund (PARTF)

- Dollar for dollar matching grants to local governments for parks and recreational projects to serve the public
- Donated land can count as match
- Maximum request of \$500,000 with each application
- Next cycle for applications is May 2, 2016
- Notification in early Fall of 2016
- Previous cycle had 67 applications requesting \$12.6 million
- 25 projects funded totaling \$4.9 million
- Approximately \$8 million anticipated in next cycle for PARTF
- Additional \$3 million available for parks and playgrounds for disabled veterans and children

USDA – Rural Development

- Restricted from funding recreation projects
- Community facility grants are reserved for most impoverished communities
- \$50,000 available for a 15-County area
- Many challenges with funding for this project, and funding would primarily be loan money
- First step would be to send a letter to see if the project is even fundable

Golden LEAF Foundation

- Provides community assistance in the form of grants and/or loans to economically depressed and deteriorating tobacco-dependent communities, to be used for public purposes
- Current focus is on economic development and job creation in the private sector
- Monies have also been available through the NC Tobacco Trust Fund Commission for projects that have an agricultural component

Other Options

- Non-Profit Organizations
- Conventional Financing
- Community Fundraising Events

Summary

- At this time, the PARTF program appears to offer the greatest potential for grant funding on this project
- Applications are not due until next May with funding in the Fall
- Some project activities may be performed in advance of the application and notification of funding

The Board of Commissioners discussed the funding options.

NEW BUSINESS

none

DEPARTMENT REPORTS

The following Department Reports were presented to the Board of Commissioners: Building Inspections (Incorporated by reference as if fully set forth herein Schedule H), Finance (Incorporated by reference as if fully set forth herein Schedule I), Fire (Incorporated by reference as if fully set forth herein Schedule J), Parks and Recreation (Incorporated by reference as if fully set forth herein Schedule K), Planning and Community Development (Incorporated by reference as if fully set forth herein Schedule L), Police (Incorporated by reference as if fully set forth herein Schedule M), Public Works (Incorporated by reference as if fully set forth herein Schedule N).

MANAGER REPORT

Thompson updated the Board of Commissioners on the following projects: Greenway, Airport, and Library.

BOARD COMMENTS

none

CLOSED SESSION

A motion to go into closed session for the purpose of § 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. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or

removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting at 8:55pm was made by Mayor Pro Tem Cheek, seconded by Commissioner Fadely and unanimously approved.

A motion to come out of closed session was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.

ADJOURNMENT

With no further business the Board of Commissioners adjourned 9:42 pm.



John F Grimes, Mayor

ATTEST:



Jenifer J Everage, Town Clerk

