

TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, November 7, 2022**, at 6:30pm in Multipurpose at the Wren Memorial Library with Mayor Price presiding. Commissioner Boone gave the invocation with the recitation of the Pledge of Allegiance following. Commissioner Underwood recited the Town of Siler City Mission Statement and Commissioner Alston recited the Town of Siler City Vision Statement.

ELECTED TOWN OFFICIALS PRESENT: Albert Alston, Norma Boone, Cindy Bray, Curtis Brown, Lewis Fadely, Bill Haiges, and Thomas "Chip" Price, and James Underwood

TOWN STAFF PRESENT: Town Manager Hank Raper, Attorney William Morgan, Planning and Community Development Jack Meadows, Human Resource Director Nancy Darden, Finance Director Tina Stroupe, Parks and Recreation Director Jack Clelland, Police Chief Mike Wagner, Public Works Director Cal Pettiford, and Town Clerk Jenifer Johnson.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

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

CONSENT AGENDA

A motion to approve the consent agenda which includes the Planning Board Appointment (Incorporation by reference as if fully set forth herein Schedule A), Application for NC Commerce Rural Transformation Grant Downtown Budd (Incorporation by reference as if fully set forth herein Schedule B), and State of Town Presentation on September 12, 2023 (Incorporation by reference as if fully set forth herein Schedule G) was made by Commissioner , seconded by Commissioner , and unanimously approved.

PUBLIC COMMENT PERIOD

Shirlee Lee, 58 Elder Road, Siler City, NC 27344

I'm here to thank Mr. Raper for his audit of the water department. I appreciate your diligence in working that out. I was one of the residents that received a water bill in the amount of \$521.96 for one month. My second reason for being here is some reassurance that it won't happen again. In speaking to other residents, I found a common theme. We were all told we had water leaks and we needed to get a plumber and if the plumber found a leak our bills would be adjusted. Of the six people I talked to none of us had leaks and our bills were not adjusted for that, but because of your audit, they were adjusted. There are two things I count on, I trust Duke Energy and I trust the water department to charge me for the usage I have. I don't know if I can do that with the water department anymore. If it's a matter of me going out and reading my meter each month, it's not my job, but I'm willing to do it. If I need to start counting gallons of water we are using in my house, again not my job, but I'm willing to do it. I almost got a heart attack when I got my water bill and when I called and they told me I had a leak and I get a plumber out there that tells me if you had a leak of six times that amount, you would have water standing under your house and in your yard. There was no leak and after several phone calls, I was told they went back and looked at my bill for the last year and I was overcharged. We just need some honesty and transparency within the water department. The neighborhood I live in the wells were condemned years ago, so we don't have any other options. We just need some reassurance that what happened the last few months, will not happen again.

Cindy Dameron, 11080 Hwy 64 West, Siler City, NC 27344

I'm here speaking with you about concerns of the direction of the town. I have seen Siler City in some of the best times when manufacturing was booming and seen it when plants have closed and gone. Siler has bounced back with leadership and vision. It concerns me to see the major reactions with no direction. You hire a new town manager that hires consultants with no experience and makes decisions without hearing the advice of the consultant. Would it not be better to take the consultant fee, add it to the salary and get a town manager that has been through this growth before. Siler City does not have time to train. Wolfsped came to Siler City with the confidence that Siler City would work with them and together accomplish and meet their needs. There has been an endless meeting to accomplish. Why would you change things up now. Bring in a new person to planning. Jack Meadows is the one that Wolfsped and many others have been working with and have confidence in. I agree the planning department will be in need of help under Jack's direction. I feel he should be the one building a strong team. He knows the UDO better than anyone. Infrastructure is the main obstacle. It affects everyone and all business. You need to get a handle on it now. All of the commissioners need to be willing to put in overtime and lots of it. Packets are prepared for you, research and find solutions now. We can't afford to wait.

PRESENTATION

none

PUBLIC HEARING CONTINUATION

Henry de St. Aubin proposes to rezone 11.83 acres from Light-Industrial (L-I) to Heavy-Industrial-Conditional (H-I-C). The proposed use is a manufacturing, processing, creating of goods and equipment (concrete plant with batch silo, aggregate bin, conveyor, modular control center, truck maintenance garage/shop, truck washing facility, outdoor storage areas for gravel, sand, and other concrete materials). The subject property is located along the northern boundary of W. 11th St. (east of railroad and west of N. Chatham Ave.) and is identified as parcel # 15562 & 80791.

Mayor Price reopened the public hearing for Henry de St. Aubin proposed rezoning 11.83 acres from Light-Industrial (L-I) to Heavy-Industrial-Conditional (H-I-C). The proposed use is a manufacturing, processing, creating of goods and equipment (concrete plant with batch silo, aggregate bin, conveyor, modular control center, truck maintenance garage/shop, truck washing facility, outdoor storage areas for gravel, sand, and other concrete materials). The subject property is located along the northern boundary of W. 11th St. (east of railroad and west of N. Chatham Ave.) and is identified as parcel # 15562 & 80791. (Incorporation by reference as if fully set forth herein Schedule c) at 6:42pm. (Incorporation by reference as if fully set forth herein Schedule D)

Meadows stated that the subject property is:

1. owned by Wren Family Estate LLC
2. is surrounded by tracts with an average area of 2.4 acres

Meadows shared the following documents:

1. Development Plan
2. GIS Illustrations – zoning, aerial, land use, water/sewer
3. NCDOT U-5737 11th St. project plans
4. Land development plan land use classification list and industrial objectives and strategies

5. UDO - §162 Noise, §295 Screening Requirements, E-6 Typical Opaque Screen (Type A), §284 Vehicle Accommodation Surfaces
6. Recommended lighting levels
7. Conditional Zoning conditions approved by Planning Board – Signed on October 7
8. Conditional Zoning conditions recommended by Town staff and consented by Applicant – November 1, 2022
9. Notice letter and property owner list
10. Application and applicant documents
11. Email from adjacent property owner
12. Applicant email, plant site layout, and equipment quote
13. Information related to Sanford and Pittsboro concrete plants
14. Town zoning map of Heavy Industrial properties
15. Ordinance amending the official zoning map
16. Worksheet – Approve and Consistent
17. Ordinance amending the official zoning map and adopted future land use map
18. Worksheet - Approve and Inconsistent
19. Worksheet - Reject and Inconsistent.

Meadows stated that the adopted Land Development Plan (LDP) recommends:

1. Mixed use for the subject property.
2. MIXED USE – 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. Objectives and Strategies for mixed use area are as follows:
 - 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 shared the Infrastructure information:

1. See attached screen shot of Siler City water and sewer layout
2. Streets:

Street/Road	Road Frontage (feet)	Travel Lanes	Maintenance	Speed Limit (mph)	Average Daily Trips
W. 11 th St. (US 64)	587	5	NCDOT	45	11,000 (2020)

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

1. Zoning Districts:

- a. The Heavy-Industrial (H-I) and Light-Industrial (L-I) are hereby established primarily to accommodate enterprises engaged in the industrial, processing, creating, repairing, renovation, painting, cleaning, or assembling of goods, merchandise, or equipment. The performance standards set forth in Part II of Article XI place limitations on the characteristics of uses located in these districts. The limitations in the L-I district are more restrictive than those in the H-I district.
- b. Dimensional Standards:

Zoning District	L-I	H-I-C
Minimum lot size (square feet)	0	0
Recommended minimum lot width	100'	100'
Front/street building setback	30'	40'
Side/rear building setback	20'	25'
Height limitation	90'	200'

2. Proposed activities:

- a. Employees: 1 sales person and 5 other employees (truck drivers)
- b. Salary: \$23.00 per hour to \$30.00 per hour (guaranteed 40 hour pay per week)
- c. Investment: \$3,000,000.00
- d. 5 company trucks parked on site
- e. Maximum capacity of vehicles is approximately 55 trucks/cars per day
- f. Concrete mixer truck weighs 63,000 lbs. – 76,000 lbs. and is 21 feet long
- g. The load rating for the N. Chatham Ave. bridge is 80,000 lbs. Trucks may use the N. Chatham Ave. bridge 5% of the time.
- h. Truck drivers will be instructed to use the U turn bulbs on 11th St. following the proposed median project on US 64.
- i. Connect to Town water. Projected water usage is 18,000 gallons per day
- j. Connect to private sewer system. Projected sanitary sewer flow is 284 gallons per day
- k. Install 1 new fire hydrant
- l. Install (2) 8 cubic feet dumpsters that shall not be visible to neighboring properties or the adjacent public right-of-ways
- m. Gravel parking area with paved turnout onto the public street
- n. NCDOT will probably have additional comments on the roadway improvements/driveways/drainage/utilities/easements and those comments will be handled as part of the NCDOT driveway permit approval process
- o. The loudest part of the operation is rocks being dropped onto the belt and trucks and truck blow off
- p. The concrete plant should not be visible from W. 11th St.
- q. See link to YouTube video “Advantage250 Concrete Plant” - <https://www.youtube.com/watch?v=4JrOqy8fjf4>

3. See attached a draft of conditional zoning conditions to be considered

Meadows shared the relationship of uses:

- 1. Current use of subject property is vacant lot
- 2. Surrounding land uses include:
 - a. single family residential

- b. motor vehicle sales
 - c. cemetery
 - d. multifamily residential
3. Surrounded by R-10, R-6-C, L-1 zoning.

Meadows shared the Planning Board recommendations from the October 10, 2022 meeting:

1. 6-1 vote
2. To approve the ordinance amending the official zoning map including conditions consented by the applicant; and
3. That the action is consistent with the adopted land development plan because the land development plan recommends:
 - 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. Improve the appearance of properties.
 - e. Encourage efficient use of transportation networks.

Munsey Wheby, 205 Olde Towne Drive, Sanford, NC

Shared information about the requested rezoning and answered questions of the Board of Commissioners.

Henry de St. Aubin

Shared information about the requested rezoning and answered questions of the Board of Commissioners.

The Board of Commissioners discussed the proposed rezoning.

Mayor Price closed the public hearing at 7:54pm.

A motion to approve the ordinance amending the official zoning map for Henry de St. Aubin proposed rezoning 11.83 acres from Light-Industrial (L-1) to Heavy-Industrial-Conditional (H-1-C), the proposed use is a manufacturing, processing, creating of goods and equipment (concrete plant with batch silo, aggregate bin, conveyor, modular control center, truck maintenance garage/shop, truck washing facility, outdoor storage areas for gravel, sand, and other concrete materials), the subject property is located along the northern boundary of W. 11th St. (east of railroad and west of N. Chatham Ave.) and is identified as parcel # 15562 & 80791 including the following conditions:

- a. Rezone from L-1 to H-1-C;***
- b. Proposed Use: manufacturing, processing, creating of goods and equipment (concrete plant with batch silo, aggregate bin, conveyor, modular control center, truck maintenance garage/shop, truck washing facility, outdoor storage areas for gravel, sand, and other concrete materials);***
- c. Provide copy of deed recorded in the Chatham County Registry that recombines the 2 lots into 1 lot;***
- d. The project is proposed to be built in two phases. The 2nd concrete plant (possible future expansion of batching silo, conveyor, and aggregate bin) will probably be constructed 10 years later;***

- e. *The proposed batching silo is located a minimum of 150 feet from the boundary line of residential use;*
- f. *The proposed storage bins are located a minimum of 40 feet from the boundary line of residential use;*
- g. *The proposed dumpsters are located a minimum of 50 feet from the boundary line of residential use;*
- h. *The tallest part of the plant will be 70 feet tall;*
- i. *Existing vegetation shall be preserved along majority of site perimeter to serve as a buffer;*
- j. *A minimum thirty (30) foot bufferyard will be installed along the lot boundary lines bordering adjoining residential uses;*
- k. *Install 8-foot-tall opaque fence (chain link with slats) and sliding gate along the entire perimeter of the development;*
- l. *The future driveway will not be located within the proposed 20' undisturbed natural buffer or the required 10' type A bufferyard;*
- m. *A 100' west bound right turn lane with 50' taper into new driveway will be constructed on W. 11th St.;*
- n. *10 parking spaces provided;*
- o. *Area of disturbance is 5.37 acres;*
- p. *Net impervious increase is 1.97 acres (16.94%);*
- q. *Hours of operation 6:00am to 4:00pm;*
- r. *Use open Monday through Saturday;*
- s. *Obtain all water and sanitary sewer approvals from Town Utilities Director (plans, specifications, State approvals) prior to any site plan construction approvals;*
- t. *Stormwater infiltration practices shall be used to extent practical and feasible but shall also include the use of detention ponds to maintain predevelopment hydrographic conditions. This improvement will need to be confirmed during the site plan process;*
- u. *The development shall also meet the recommended lighting levels in foot-candles by building type as listed on pages 31-32 of CPTED and Lighting: Reducing Crime, Improving Security Guide Book for Design Professionals #2;*
- v. *All future performance guarantee request shall be approved by the Board of Commissioners as a major conditional zoning modification during a future legislative hearing;*
- w. *Article XX and Appendix J of the UDO provides guidance for the revocation, duration, expiration, and vested rights of conditional zoning approvals. If a conditional zoning approval expires, then new application and fees are required prior to further development;*
- x. *Coordinate with the Town Public Works and Utilities Department to provide utility (Town water and sewer) easements to adjoining properties where feasible so that the adjoining properties can be served by Town water and sewer in the future;*
- y. *Install concrete on site where concrete trucks drive within 12 months of any final zoning inspection approval;*
consented by the applicant, ant that the action is inconsistent with the adopted land development plan because the land development plan recommends mixed use and to approve the ordinance amending the adopted future land use map and that the proposed amendment is reasonable because it considers the size and any other attributes of any area proposed to be rezoned, the benefits and detriments to the landowners, the neighbors, and the surrounding community, the relationship between the current actual and permissible development and the development permissible under the proposed amendment was made by Mayor Pro Tem Haiges, seconded by Commissioner Brown.

Vote: Aye- Alston, Bray, Brown, Fadely, Haiges, Underwood Nay- Boone Motion passed.

OLD BUSINESS

2022-2023 Fee Schedule Update

Town Manager Hank Raper stated that Town Staff would like to request changes to the 2022/2023 Fee Schedule. With the projected increase in developments, these fees would allow us to offset the expense of providing these services. (Incorporation by reference as if fully set forth herein Schedule D)

Raper shared the following updates:

Authorization to Construct- \$300.00

Permit Modification- \$50

Pretreatment Yearly Administration Fee- \$100

Pretreatment Application Fee- \$300

Pretreatment permit engineer review fee - \$600

Sampling Fee for Industries- Cost of Samples

Hydrant Meter Daily Rental Fee- \$10/Per Day

A motion to approve the amendments to the 2022/2023 Fee Schedule was made by Commissioner Brown, seconded by Commissioner Fadely, and unanimously approved.

Sanford Holshouser Addendum for Strategic Economic Development Action Plan

Town Manager Hank Raper stated that Ernie Pearson with Sanford Holshouser is recommending an addendum to the Strategic Economic Development Action Plan for the following components (Incorporation by reference as if fully set forth herein Schedule E):

- Capital Improvement and Long-Range Plan (Items A-D) - \$114,202
- System Development Fee (Items E and F) - \$12,738
- Financial Analysis (Item G) - \$63,525
- Storm Water Utility Fee Feasibility Study (Item H) - \$16,170

Raper stated if the Board of Commissioners choose to add these additional components, the funds would be appropriated from fund balance in the 30 Fund by the attached budget amendment 2023.7 in the amount of 238,475.00. This total is for the original contract of \$32,500.00, plus the additional \$205,975.00. The Board of Commissioners would also need to approve the attached Revised Addendum to Engagement for Strategic Economic Development Action Plan contract.

A motion to approve Budget Amendment 2023.7 as presented was made by Commissioner Fadely, seconded by Commissioner Brown, and unanimously approved.

A motion to approve the Revised Addendum to Engagement for Strategic Economic Development Action Plan with Sanford Holshouser was made by Mayor Pro Tem Haiges, seconded by Commissioner Fadely, and unanimously approved.

Mayor's Term Expansion

Town Attorney William Morgan updated the Board of Commissioners on the Mayor's term expansion as the Board of Commissioners asked for him to bring. Morgan stated that the change can happen one of two ways. By a local bill introduced by the General Assembly or an amendment to the towns charter. (Incorporation by reference as if fully set forth herein Schedule F)

Commissioner Bray stated that she would like for the residents to vote for the change. The Board of Commissioners discussed the change and decide to publicize the proposed resolution through water bills, new and radio advertising and have a public input session in January or February.

NEW BUSINESS

Planning and Community Development

Mayor Price stated that the Board discussed the separation of the Planning and Community Development Department. Price stated since that meeting, he has not had a good feeling about the decision that was made. Price has received a lot of phone calls and emails about it. Price goes by two guiding principles: what's in the best interest of the citizens and treat people like he wants to be treated. Price feels that what the Board did does not fit either of those categories and he does not feel like the process was handle correctly from the beginning. Mayor Price shared an overview of the process including communication with Commissioners before he was contacted, timing, discussion by the Board, job descriptions, and employee retention. Mayor Price suggested that the Board rush and the process be stopped, and options be brought back to the Board of Commissioners with more information.

A motion to do what Mayor Price said was made by Commissioner Brown and seconded by Commissioner Alston.

Commissioner Fadely and Mayor Pro Tem Haiges asked what we are expecting the Town Manager to bring back. The Board of Commissioners discussed their responsibilities concerning setting policies and the Town Manager's responsibilities concerning personnel. The Board discussed the process and asked questions of the manager. The Board of Commissioners discussed the chain of communications.

Town Attorney William Morgan suggested that the Board of Commissioners discuss in closed session since it was about personnel. Morgan reminded the Board that here was a motion and a second currently.

Commissioner Alston withdrew his second to the motion. Commissioner Brown withdrew his motion.

MANAGER'S REPORT

Town Manager Hank Raper shared the following with the Board of Commissioners:

- Downtown Advisory Committee Attendance Report (Incorporation by reference as if fully set forth herein Schedule H)
- Hobbs Architects City Hall Improvements & Renovation Field Report 45, 46, and 47 (Incorporation by reference as if fully set forth herein Schedule I)
- Mountaire Farms Thanksgiving for Thousands Program (Incorporation by reference as if fully set forth herein Schedule J)
- CAM Site Road Name (Incorporation by reference as if fully set forth herein Schedule K)
The civil engineer for Wolfsped is requesting a permanent address for the building site. They would like to be addressed with the new road and have some involvement in the name and

numbering. The new road has not been named. Road names are officially approved by the Board of Commissioners. The CAM Site owners are recommending "Carolina Core Parkway".

A motion to approve the road name of Carolina Core Parkway for the new town street at the CAM Site.

- Personnel Policy Update (Incorporation by reference as if fully set forth herein Schedule L)

TOWN ATTORNEY INFORMATION

none

GOVERNING BODY COMMENTS

Commissioner Brown asked about the music through the speakers in downtown.

CLOSED SESSIONS

A motion to go into Closed Session §143-318.11 (a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant at 9:14pm was made by Mayor Pro Tem Haiges, seconded by Commissioner Fadely, and unanimously approved.

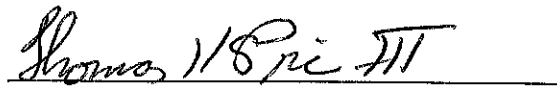
A motion to come out of closed session at 9:19pm was made by Mayor Pro Tem Haiges, seconded by Commissioner Brown, and unanimously approved.

A motion to go into closed session § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee at 9:20pm was made by Commissioner Fadely, seconded by Commissioner Brown, and unanimously approved.

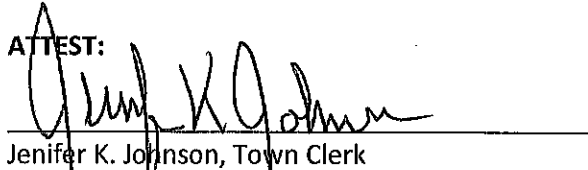
A motion to come out of closed session at 10:56pm was made by Mayor Pro Tem Haiges, seconded by Commissioner Fadely, and unanimously approved.

ADJOURNMENT

With no further business the Board of Commissioners adjourned at 10:57pm.


Thomas K. Price, III, Mayor

ATTEST:


Jenifer K. Johnson, Town Clerk

