

TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, December 18, 2017** at 7:00pm in City Hall Courtroom with Mayor Pro Tem Cheek presiding. Commissioner Fadely gave the invocation with the recitation of the Pledge of Allegiance following. Commissioner 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, Bill Haiges, Thomas "Chip" Price, and Tony Siler.

ELECTED TOWN OFFICIALS ABSENT: John Grimes

TOWN STAFF PRESENT: Town Manager Bryan Thompson, Town Attorney William Morgan, Human Resources Director Nancy Darden, Finance Director Roy Lynch, Parks & Recreation Director Joseph Keel, Police Chief Gary Tyson, and Town Clerk Jenifer Johnson.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Thompson asked to add Chatham County Human Relations Committee under Old Business.

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

CONSENT

A motion to approve the consent agenda which includes the November 20, 2017 Minutes (Incorporation by reference as if fully set forth herein Schedule A) was made by Commissioner Siler, seconded by Commissioner Fadely and unanimously approved.

PUBLIC COMMENT

None

PRESENTATIONS

Parks & Recreation Fund Raising Update – Lee Mikell – Convergent

Mikell shared the following with the Board of Commissioners:

Investor Evaluation Task Force

- Anonymous committee met 3 times

A. Prospect Evaluations

- (1) Assessed 30 prospects at \$957,500
- (2) Evaluations generally double what is possible
- (3) Evaluation confirms goal in the study
- (4) Top 7 prospects identified with strategies to approach

B. Naming Opportunities Assigned

- (1) \$1 million names the entire Aquatic Center facility for 20 years
(the approximate timeframe for facility refurbishment)
- (2) \$250,000 names the pool itself with either the sponsoring logo or name of the investor painted prominently on the pool's bottom

- (3) \$250,000 names the renovated bath house with the company/foundation/individual name/logo displayed prominently
- (4) \$150,000 names the existing shelter building with donor display as (3)
- (5) \$150,000 names the new small shelter building with donor display as (3)
- (6) \$1,000 and above donors will be displayed on a donor wall (discussions with separate local and regional companies concerning design are underway)
- (7) All donors of any amount will be recognized in an official donor roll publication.

Steering Committee

- Meetings via conference calls
- (1) Final wordsmithing of Case for Support to reflect greater clarity of Aquatic Center plans going forward.
 - (2) Solicitations (invitations) launch in January 2018, if not before.

The Board of Commissioner discussed the report and the naming opportunities.

A motion to approve the naming opportunities as presented was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

PUBLIC HEARINGS

1206 East Eleventh Street, LLC proposes to rezone ~0.455 acre from R-6 to H-I. The subject property is identified as 501 North Ave & parcel # 16685 (Johnson MHP), rezone ~4.581 acres from R-6 & H-C to H-I. The subject property is identified as 1202 E. 11th St. & parcel # 17246 (Johnson MHP), and to rezone ~2.37 acres from R-6 to H-I. The subject property is identified as 620 Pine Glades Ave. & parcel # 16688 (Johnson MHP)

Mayor Pro Tem Cheek opened the public hearing for 1206 East Eleventh Street, LLC proposes to rezone ~0.455 acre from R-6 to H-I. The subject property is identified as 501 North Ave & parcel # 16685 (Johnson MHP), rezone ~4.581 acres from R-6 & H-C to H-I. The subject property is identified as 1202 E. 11th St. & parcel # 17246 (Johnson MHP), and to rezone ~2.37 acres from R-6 to H-I. The subject property is identified as 620 Pine Glades Ave. & parcel # 16688 (Johnson MHP) at 7:15pm. (Incorporation by reference as if fully set forth herein Schedule J)

Meadows stated that the subject property is:

1. owned by 1206 East Eleventh Street, 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. not located within a special flood hazard area.

Meadows shared the size of tract:

1. Subject tracts are 7.406 acres and includes 1 property owner and 3 tax parcels
2. Size of surrounding tracts is an average of 2.9 acres

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

1. General commercial development for the subject property. Commercial goals, objectives, and strategies:
 - a. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
 - b. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs.
 - c. Encourage through zoning requirements, planned general commercial development rather than small, individual lot development.
 - d. Develop driveway regulations to require access from service drives, prevent multiple driveways on a single lot, and control the spacing of driveways.
 - e. These areas are generally located along major thoroughfares that contain a variety of commercial uses.
 - i. Retail uses include shopping centers, convenience stores, restaurants and services catering to the traveling public.
 - ii. Heavier uses may include automobile dealerships and repair shops, min-warehouses and contractor's yards with appropriate landscaping and buffer requirements.
2. General Residential development for the subject property. Residential goals, objectives, and strategies:
 - a. Promote the development of high quality housing in varying types and costs to meet the demands of all income levels and age groups.
 - b. Maintain the integrity of existing neighborhoods.
 - c. Encourage the continual development of affordable housing on individual lots.
 - d. Continue to promote a variety of housing types to meet the demand of citizens from various economic levels.
 - e. Single-family residential density is recommended to be at a density of between 2 and 4 units per acre in the general residential category.
 - f. 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.
 - g. Encourage in-fill development in established residential areas.
 - h. Preserve the existing housing stock by vigorously enforcing the minimum housing code and providing financial assistance to rehabilitate and stabilize deteriorating housing.
 - i. Prevent the conversion of residences to other land uses unless such conversion will assist in stabilizing the larger residential neighborhood or unless such conversion will preserve the unique quality or architectural significance of residences.
3. Industrial development for the property located east of the subject property. Industrial goals, objectives, and strategies:
 - a. Attracting diverse industrial development that will stimulate the economy.
 - b. Encouraging industrial development that is environmentally friendly.
 - c. Encouraging industrial land uses that require appropriate amounts of public water for their manufacturing processing.
 - d. Identifying adequate land for future industrial development
 - e. Supporting existing industry
 - f. Preserving the sites best suited for office and industrial development by (i) identifying such areas; (ii) placing the areas within an industrial zoning classification; and (iii) excluding all other uses (except for desired uses from the area).
 - g. Making the extensions of water and sewer service to identified industrial areas a top priority.

- h. Continuing to review industrial zoning use limitations based upon a Standard Industrial Code classification system in order to eliminate incompatible industries.
- i. Developing zoning standards that address screening and buffering between industrial and adjacent dissimilar land uses.
- j. Requiring that, as a condition of receiving public water and/or sewer service, all new industrial developments are incorporated into the Town limits.
- k. Encouraging warehousing and assembly uses.
- l. Encouraging water reuse and industrial recycling for new and existing industry.
- m. Developing an industrial incentive policy and program.

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
E. 11 th St.	420	5	State	45	15,000 - 19,000 (2016)
E. 5 th St.	375	2	Town	20	NA
Johnson Ave.	690	2	Town	35	NA
North Ave.	1347	2	Town	35	NA
Pine Glade Ave.	448	2	Town	35	NA

Meadows stated that the pedestrian master plan recommends sidewalk along the:

- 1. south side of E. 11th St.
- 2. east side of Johnson Ave.
- 3. west side of Pine Glade Ave.

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

Zoning District	H-C	R-6	H-I
Minimum lot size (square feet)	10,000	6,000	0
Minimum lot width	100'	60'	100'
Front/street building setback	10'	25'	40'
Side/rear building setback	0'	9'	25'
Height limitation	60'	35'	135'

Meadows stated 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 uses of subject properties are mobile home park and atv repair.
- 2. Surrounding land uses include; poultry processing, distribution center, laundromat, single family residential, multifamily residential, retail, restaurant, and vacant.
- 3. Surrounded by R-10, R-6, H-I, B-1, and H-C zoning.

Meadows shared the Planning Board recommendations from the December 11, 2017 meeting:

- 1. The amendment is approved and consistent with the adopted LDP and any other officially adopted plan because the LDP recommends:
 - a. General commercial development for the subject property.

- b. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
- c. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs.
- d. Encourage through zoning requirements, planned general commercial development rather than small, individual lot development.
- e. These areas are generally located along major thoroughfares that contain a variety of commercial uses. Retail uses include shopping centers, convenience stores, restaurants and services catering to the traveling public. Heavier uses may include automobile dealerships and repair shops, min-warehouses and contractor's yards with appropriate landscaping and buffer requirements.

Mayor Pro Tem Cheek closed the public hearing at 7:21pm.

A motion that the map amendment is approved and consistent with the adopted land development plan and any other officially adopted plans because general commercial development for the subject property, encourage attractive commercial development in appropriate locations suitable for commercial purposes, improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs, encourage through zoning requirements, planned general commercial development rather than small, individual lot development, and these areas are generally located along major thoroughfares that contain a variety of commercial uses. Retail uses include shopping centers, convenience stores, restaurants and services catering to the traveling public. Heavier uses may include automobile dealerships and repair shops, min-warehouses and contractor's yards with appropriate landscaping and buffer requirements and the action taken is reasonable and in the public interest because of the health safety, welfare, and in the best interest to change was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.

Town of Siler City proposes an update to the Town's 2003 Land Development Plan

Mayor Pro Tem Cheek opened the public hearing for Town of Siler City proposes an update to the Town's 2003 Land Development Plan. The purpose of the plan is to provide vision for the future growth and development of the Town and to help execute that vision through adopted goals and policies. The plan is designed to assist public officials, citizens, and staff with evaluating the appropriateness of land development requests and to manage change. The plan has been prepared by Triangle J Council of Governments with the assistance of the Town Board appointed Land Development Plan Steering Committee at 7:22pm. (Incorporation by reference as if fully set forth herein Schedule F)

Matt Day with Triangle J Council of Governments prepared the Land Development Plan update and presented the revised document to the Board of Commissioners.

Day shared the following in the presentation:

1. Background
2. Steering Committee
3. Background Data Highlights
4. Overview of Existing Conditions
5. Discussion of Proposed Land Use Classifications
6. Future Land Use Map

7. Goals and Objectives
8. Strategies and Action Steps
9. Public Meeting Overview & Adoption Presentation Schedule

Meadows shared that the Planning Board recommendations from the December 11, 2017 meeting: Recommend approval of the Siler City Land Development Plan (December 5, 2017 Draft) prepared by Triangle J Council of Governments.

Mayor Pro Tem Cheek closed the public hearing at 7:39pm.

A motion to approve the updated to the Town's 2003 Land Development Plan was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

OLD BUSINESS

Raleigh Street Sidewalk Path Project

Meadows shared the scope of the E. Raleigh Street project (Incorporation by reference as if fully set forth herein Schedule G):

1. Sidewalk construction along south side of E. Raleigh St. from S. 6th Ave. to S. 10th Ave.; and
2. Construct multi-use sidepath along south side of E. Raleigh St. from S. 10th Ave. to E. 11th St.

Meadows stated that the total estimated cost of the project is \$915,000. The Town's total match is ~219,000 (\$174,000 for design, environmental documentation, utility relocation, and construction plus ~\$45,000 for right-of-way).

Meadows stated that the FY 2018 budget includes \$30,000 for this project (20-570-E117) to cover the 20% match for design and environmental documentation. The Board of Commissioner discussed the project.

A motion to approve the Capital Project Ordinance 2018.5 was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

A motion to approve the North Carolina Department of Transportation Locally Administered Project Agreement for Raleigh Street Sidewalk Path Project was made by Commissioner Fadely, seconded by Commissioner Siler and unanimously approved.

Conditional Use Rezoning Extension – Dogwood Ave. – 7 lot duplex subdivision (Dogwood Downs)

Meadows stated on May 19, 2008, the Town Board of Commissioners granted a conditional use rezoning for a seven (7) lot duplex subdivision. The owner has received a total of ten (10) years of extensions: four (4) years (2008 -2011) from the State of North Carolina, two (2) years per the UDO, and four (4) years from the Town Board. Town staff received a request for an extension on December 13, 2016. The most recent extension expiration date is December 31, 2017. The Town Board may grant successive extension up to twelve (12) months without resorting to the formal process and fees required for a new conditional use rezoning. However, the Town Board must conclude that: (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith; and (iii) conditions

have not changed so substantially as to warrant a new application. (Incorporation by reference as if fully set forth herein Schedule H)

Meadows stated that Staff recommends the following condition of extension: the development must meet all current requirements of the Town's Unified Development Ordinance. If the Town Board grants the extension, and work is not continued, then the new expiration date shall be December 31, 2018.

The Board of Commissioners discussed the extension and asked Meadows to speak with the developer about his plans.

A motion to approve the 12 month extension for the conditional use rezoning – Dogwood Avenue – 7 lot duplex subdivision was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

Legislative Agenda

Thompson stated during its Organizational Meeting on December 4, 2017, the Board of Commissioners requested to bring the legislative agenda back to the table at the December 18 Board meeting. Particularly to discuss a proposed legislative advocacy position on this issue of the present North Carolina Economically Distressed Tier designation. In general, the Town's concern is its designation is aligned, by design, to the tier designation of Chatham County. Whereas Chatham County as a whole is one of the least economically distressed counties in the State – garnering a Tier 3 designation, Siler City's economic makeup is quite different and would otherwise qualify it to be designated as a Tier 1 community. This issue is of importance to Siler City owing to the fact that many grant opportunities are largely driven by the community's tier designation. That is, there are grants that a Tier 3 community is ineligible to receive. In other instances, a Tier 3 community may be eligible for a particular grant, but only to a limited amount of funding. (Incorporation by reference as if fully set forth herein Schedule I)

Thompson stated at the 2017 Legislative Breakfast hosted by Chatham County, one of two legislative positions were presented by the Town of Siler City. These items included:

Elimination or Replacement of Economic Development Tiers

Address Water-Sewer Impact Fee Repayment

Thompson shared the following is the basic information shared by the Town during the Legislative Breakfast.

ELIMINATION OR REPLACEMENT OF ECONOMIC DEVELOPMENT TIERS: In December 2015, the Program Evaluation Division of the General Assembly released a report calling for the dissolution of the economic development tier system. The report summarized various ways that these tiers have not been effectively used to get non-economic development funds to the most distressed counties. However, the General Assembly has failed to take action on this report and continues to use the current economic tiers for various grants and programs.

Chatham County serves as a key example of why the current tier designations are grossly unfair. The western part of the county, including Siler City, remains a very economically distressed area, even though the eastern part of the county is considered to be fairly wealthy. Over the years, the county and the western area, including Siler City, have missed out on funding that would greatly help this area take

major steps toward economic recovery. Just a few weeks ago, Siler City received \$4 million of the \$8.87 million requested of the Golden LEAF Foundation to run water lines to the CAM Megasite in Siler City, but the tier designation prevented the town from getting additional funds for wastewater lines to the megasite.

REQUEST: We would ask that counties and municipalities have input and that the formula recognize the far-ranging economic differences that exist within most counties. Creating zones within counties would be a possible solution.

ADDRESS WATER-SEWER IMPACT FEE REPAYMENT: GOAL (as stated by NC League of Municipalities): Seek legislation eliminating municipalities' repayment of water- and sewer- growth related fees that have been previously collected, and providing municipalities with the authority to assess the level of fees and charges necessary for continued growth and economic development in the future.

BACKGROUND: Late August, the NC Supreme Court invalidated water and sewer impact fees to cover future expansion. The issue was sent back to the Court of Appeals to consider related issues, such as many years back in time the municipalities would have to refund those who paid the impact fees. In December, the NC Court of Appeals decided that the 10-year statute of limitations would apply. This means that cities found to have been illegally levying impact fees must repay all fees going back 10 years. The NCLM is still collecting information on how many money is involved and what the impact might be on municipal utility programs.

REQUEST: Actively support efforts to enact the legislation highlighted above to remedy a very costly situation that could have dire impacts on local utility services.

Thompson stated while no measurable advancement took place resulting from the Legislative Breakfast with regard to the State's Tier System, movement was realized on the issue of impact fees. The General Assembly passed HB 436, which grants authority to local governments to charge impact fees. However, these and other such fees must be pursuant to an analysis justifying such fees by demonstrating how the fees are directly linked and used for particular purposes within the operations of the public utility. Siler City is working with McGill Associates to conduct its analysis in order to comply with this legislation.

County Manager, Renee Paschal, has indicated that there will be a 2018 Legislative Breakfast and that the Town will be invited to join. This event is tentatively planned for a February date, which has yet to be determined. This information will be shared with the Board once the date is established.

NEW BUSINESS

none

MANAGERS REPORT

Thompson updated the Board on the following:
Golden Leaf Foundation Water Treatment Plant Improvements

TOWN ATTORNEY INFORMATION

none

GOVERNING BODY COMMENTS

none

ADJOURNMENT

With no further business the Board of Commissioners adjourned at 8:19pm.



Larry Cheek, Mayor Pro Tem

ATTEST:


Jenifer K Johnson, Town Clerk