

**TOWN OF SILER CITY**

The Siler City Board of Commissioners met in Regular Session on **Monday, February 1, 2021** at 6:30pm in City Hall Courtroom with Mayor Pro Tem Bray presiding. Commissioner Siler gave the invocation with the recitation of the Pledge of Allegiance following. Commissioner Boone 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, Norma Boone, Thomas “Chip” Price, and Tony Siler, Zoom: Curtis Brown, Lewis Fadely, Bill Haiges

**TOWN STAFF PRESENT:** Town Manager Roy Lynch, Attorney William Morgan, Finance Director Tina Stroupe, Planning Director Jack Meadows, Public Works Director Chris McCorquodale, Police Chief Mike Wagner, Human Resources Director Nancy Darden and Town Clerk Jenifer Johnson

**AGENDA ADJUSTMENTS/APPROVAL OF AGENDA**

Lynch requested the addition of the following:

- 6.1 Chatham Avenue Alley under New Business – Schedule H

***A motion to approve the amendments to the agenda was made by Commissioner Siler, seconded by Commissioner Price, and unanimously approved.***

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

**CONSENT**

***A motion to approve the consent agenda which includes the January 19, 2021 Minutes (Incorporation by reference as if fully set forth herein Schedule A), Parks and Recreation Advisory Committee Appointment (Incorporation by reference as if fully set forth herein Schedule B), Amendment to Interlocal Agreement for the WWTP (Incorporation by reference as if fully set forth herein Schedule C) was made by Commissioner Brown, seconded by Commissioner Haiges and unanimously approved.***

**PUBLIC COMMENT PERIOD**

Donald Matthews, 909 12<sup>th</sup> Street, Siler City, NC 27344

It is good to be here. I have been out of this community for about eight years. What I would like to talk about is I understand you have a code enforcement person, that goes around and looks and makes sure our neighborhoods are clean and safe and everything is in order. So, I'm going to give you kudos for that, but at the same time I am noticing that there's a lot of work that needs to be done in the neighborhood. So, who comes around and looks at the work that needs to be done because it looks like no one is doing it. I got with your town manager and we looked at a couple of items that we went ahead and took care of. But I'm going to ask the board to really look at our community and get in the community and start taking care of it. You have a guy that comes out that tells us what we need to do. Maybe you might want to hire another guy that says we need to take care of this, and we need to care of that, because the community to me, naming what I can just list out down here pretty quickly. We've had two shootings in less than two weeks, there's a reason for that. There was one today. And so, we are proud of our neighborhood, first of all. I graduated from Jordan Matthews, left here, and went to the army and now I'm back. It is time for us to go to work we're we live at, in our neighborhood. But we are wanting the city to do their part. I think jointly we can have a great community and work together. I thank you for your time and I look forward to working with you and I look forward to working with Roy.

I've known Roy since he was up in Liberty. And we will be coming back, and things need to be done in our town and our community. Thank you

### OLD BUSINESS

#### Fund Balance Policy

Lynch stated that the North Carolina Local Government Commission recommends that local governments maintain an unassigned fund balance in the General Fund. (Incorporation by reference as if fully set forth herein Schedule D)

Stroupe stated that Finance Staff has drafted a policy with the proposed Fund Balance target of 30% but no less than 25%. Based on our most recent audit, the unassigned balance is at 43% or \$3,186,056. The target of 30% would be \$2,252,378 but no less than \$1,876,981.

Stroupe explained that the unassigned Fund Balance refers to funds that remain available for appropriation by the Board of Commissioners after all commitments for future expenditures, required reserves (as defined by State Statutes), and previous Board of Commissioners designation have calculated.

Stroupe stated that the Town will define these remaining amounts as "Unassigned Fund Balance". In no instance may Unassigned Fund Balance drop below 10% of the Town's total annual operating budget

Stroupe also stated a Fund Balance Policy is recommended for debt issuance and the future Capital Improvement Development Plan, which Davenport and Company, our consultants, recommend accompanying the presentation of the proposed CIP project list at a future Board meeting prior to Fiscal Year 2022 budget adoption.

The Board of Commissioners discussed the proposed policy.

***A motion to approve the resolution approving the fund balance policy as presented was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.***

#### Loves Creek Watershed Stewards

Meadows shared the following background:

An explicit goal of the Town Board 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 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; multilevel partnership for CAM Site development; commissioning studies such as Downtown and Pedestrian Master plans; implementing a brownfields program; and "quality of life" improvements such as greenway and sidewalks. (Incorporation by reference as if fully set forth herein Schedule E)

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 a 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, issues, project ideas, and grant funding. By addressing water quality, stormwater, and flooding, the Town can improve future development/redevelopment capacity, capability, and aesthetics. In 2019, the Town was awarded the Urban Conservation Award by the NC Association of Soil and Waters Conservation Districts. The Loves Creek Watershed Stewards have helped acquire \$863,667 in grant funds and received \$531,841 of in-kind match for a total of \$1,395,508 since 2014.

Meadows shared the following past and current project list:

1. Town Conservation Plan - \$18,000 grant (Triangle J COG)
2. Boling Lane Park Wetland BMP - \$150,000 grant (Piedmont Conservation Council), \$100,00 in-kind match
3. Boling Lane Park Riparian Buffer - \$3,618 grant (Chatham Soil & Water Conservation District)
4. Bray Park CCAP project - \$3,855 grant (Chatham Soil & Water Conservation District)
5. S. Cedar Ave./S. Chatham Ave. environmental enhancement project - \$270,000 grant (Piedmont Conservation Council), \$99,148 in-kind match
6. Park Shopping Center Watershed Study - \$101,219 grant (Piedmont Conservation Council), \$45,000 in-kind match
7. Town stormwater infrastructure mapping/prioritization project - \$20,963 grant (Triangle J COG)
8. Loves Creek Tributary 2 watershed stormwater control implementation project - \$221,012 grant (Piedmont Conservation Council), \$147,380 in-kind match
9. Loves Creek watershed restoration and protection plan - \$75,000 grant (Piedmont Conservation Council), \$140,313 in-kind match

Grace Messinger with the Loves Creek Watershed Stewards updated the Board of Commissioners on the S. Cedar Ave./S. Chatham Ave. Environmental Enhancement Project/ Paper Alley Project.

Bray read a resolution recognizing the former landowners and volunteers for the project.

#### Brownfield Redevelopment Program

Meadows shared the following background:

On July 2014, Darin McClure (President of Mid-Atlantic Associates) presented to the Town Board regarding EPA Brownfields Assessment grants. In October 2014, the Town executed a master services agreement with Mid-Atlantic Associates, Inc. to provide environmental engineering and consulting services for EPA Brownfields projects. In March of 2018, the Town was awarded the \$300,000 Brownfield Assessment Grant. (Incorporation by reference as if fully set forth herein Schedule F)

Meadows shared the following information about the Grant:

A brownfield site is defined as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, contaminants, controlled substances, petroleum, or petroleum products, or is mine-scarred land. Brownfield Assessment Grants are for community-wide proposals. The grant is for \$300,000. The grant provides funds to conduct community outreach/involvement, site inventory and prioritization, Phase 1 and Phase

II Environmental Site Assessments, and site planning related to brownfield sites. Town staff believes working to build a sustainable Brownfields program can further stimulate economic development in our community. Staff views proactive engagement of Brownfield assessment and possible remediation as one fundamental tool available to enhance and catalyze development investment of prime properties within our community.

Meadows stated on July 30, 2020, the Siler City Brownfield Steering Committee recommended the Town use EPA grant funds to hire the UNC School of Government Development Finance Initiative (DFI) to provide a development opportunity assessment (market and financial analysis) on the former Boling Chair, Siler City Mill, and Pilgrim's Pride properties. The Town Board of Commissioners approved the contract with DFI at their September 8, 2020 regular meeting. The completed project was submitted to Town staff on December 2, 2020 (below is a list of the attached documents):

1. Service Agreement fully executed on September 15, 2020
2. Development Opportunity Assessment dated October 7, 2020
3. Market and Financial Analysis dated November 20, 2020
4. DFI Analysis Summary dated November 2020

Eric Thomas, the Senior Project Manager with the DFI presented the development opportunity assessment.

#### **NEW BUSINESS**

##### Town Code Amendment – Nuisance Abatement (160D)

Meadows shared the proposed text amendments to the Town's Code of Ordinances to the following sections of Chapter 11 (Health and Sanitation) (Incorporation by reference as if fully set forth herein Schedule G):

##### Article I. In General

Sec. 11-3. General ordinance-making power

Sec. 11-4. Enforcement of ordinances

Sec. 11-5. Abatement of public health nuisances

Sec. 11-6. Abatement of public health nuisance by Secretary of NCDEQ or the Chatham County Health Director

Sec. 11-7. Plant pest defined

##### Article II. Noxious Weeds and Similar Nuisances

Sec. 11-32. Enumeration

Sec. 11-33. Notice to abate

Sec. 11-34. Penalty

Sec. 11-35. Abatement by town; performance

Sec. 11-36. Repeat offenders; chronic violators

##### Article III. Mosquito Control

Sec. 11-57. Presumption of violation of article provisions

Sec. 11-60. Ordinance enforcement officer's right of entry

Sec. 11-61. Methods of treatment

Meadows shared the following documents:

1. draft ordinance amending Chapter 11
2. final ordinance amending Chapter 11

Meadows stated that these amendments were first discussed during Planning Board meetings. The Planning Board initiated the proposed amendments and recommended approval at the November 9, 2020 meeting.

The Board of Commissioners discussed the ordinance change.

***A motion to approve the amendment to Chapter 11 (Health and Sanitation) of the Town Code of Ordinance was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.***

#### Chatham Avenue Alley

McCorquodale stated that the Town received an encroachment agreement request from Wren Family Estate, LLC for the alley behind 121 N Chatham Avenue, 109 N Chatham Avenue, 114-116 W. Raleigh Street, and 120 W. Raleigh Street. The Town Code of Ordinance states the following regarding encroachments upon public street right-of-ways (Incorporation by reference as if fully set forth herein Schedule H):

Sec. 25-11. - Encroachments.

It shall be the duty of the zoning enforcement officer to notify all persons about to erect any building, sidewalk, wall or fence near the street, or any public way or alley, not to encroach upon such street, public way or alley, and if in the opinion of the town, any such obstruction is being, or has been constructed on any street, public way or alley, the town shall cause a survey of the line of such street or alley to be made by a competent surveyor, and if such survey shall show that the street or alley is obstructed by any such building, sidewalk, wall or fence, the owner shall be required to pay the costs of the survey and shall be required to remove all obstructions at once.  
(Code 1969, § 22-12)

McCorquodale stated that Wren Family Estate, LLC is redeveloping multiple downtown buildings and in the process is requesting an encroachment agreement for a multiple of reasons in the Town's public right of way.

McCorquodale stated that the encroachment agreement proposed are:

1. Change public Alley that runs North to South between N. Chatham Ave., Raleigh St., Birch Ave and West Second, from vehicle use to primarily pedestrian use.
2. Private roof drains to cross public alley.
3. Regrade sidewalk in front of 109 N. Chatham Ave. to include a ramp, making building access ADA compliant.

McCorquodale shared the Fire Chief's comment:

1. I do not have any issues as long as we still have emergency access available. Keeping it the same width. More so for EMS truck.

McCorquodale shared the following documents with the Board of Commissioners:

1. Request for Encroachment Agreement

2. List of Proposed Encroachments
3. Signatures of adjoining property owners agreeing to the change in use for the Alley.
4. Tax map with proposed Alley highlighted in yellow.
5. Encroachment Exhibit

The Board of Commissioners discussed the encroachments.

***A motion to approve the encroachment agreement with Wren Family Estate, LLC for the alley behind 121 N Chatham Avenue, 109 N Chatham Avenue, 114-116 W. Raleigh Street, and 120 W. Raleigh Street was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.***

McCorquodale stated that in addition to the Encroachment agreement Wren Family Estates is also requesting the removal of two on-street parking spaces on the East side of Birch Ave. between West 2<sup>nd</sup> street and Raleigh St.

***A motion to approve the removal of two on-street parking spaces on the East side of Birch Avenue between West 2<sup>nd</sup> Street and Raleigh Street was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.***

#### MANAGER'S REPORT

Lynch shared the following with the Board of Commissioners:

- City Hall Building Renovation funding options will be presented at the next meeting.
- Budget Retreat will be here on Saturday

#### TOWN ATTORNEY INFORMATION


none

#### GOVERNING BODY COMMENTS


Commissioner Fadely shared information about a phone call he received from the District Attorney's office concerning safety in town.

#### ADJOURNMENT

***A motion to adjourn at 8:41pm was made by Commissioner Boone, seconded by Commissioner Siler, and unanimously approved.***

  
\_\_\_\_\_  
Cindy B. Bray, Mayor Pro Tempore

ATTEST:

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

