

**TOWN OF SILER CITY**

The Town of Siler City Board of Commissioners met in Special Session on Tuesday, March 10, 2015 at 6:30 pm in the City Hall Conference Room with Mayor John Grimes presiding.

**ELECTED TOWN OFFICIALS PRESENT:** Cindy Bray, Larry Cheek, Lewis Fadely, John Grimes, Bill Haiges, and Thomas "Chip" Price, and Tony Siler

**ELECTED TOWN OFFICIALS ABSENT:** Mike Constantino

**TOWN STAFF PRESENT:** Town Manager Bryan Thompson, Attorney William Morgan, Planning Director Jack Meadows, Parks and Recreation Director Jessica Puckett, and Town Clerk Jenifer Everage

**AGENDA ADJUSTMENTS/APPROVAL OF AGENDA**

Manager Thompson asked to add the following to the consent agenda: Financing Package from Community Leasing Partner (Incorporation by reference as if fully set forth herein Schedule D), and NC League of Municipalities Memorandum of Agreement for the Classification and Compensation Study (Incorporation by reference as if fully set forth herein Schedule E).

*A motion to approve the agenda with changes was made by Mayor Pro Tem Cheek, seconded by Commissioner Haiges and unanimously approved.*

**CONSENT**

*A motion to approve the consent agenda which includes the Financing Package from Community Leasing Partner (Incorporation by reference as if fully set forth herein Schedule D), and NC League of Municipalities Memorandum of Agreement for the Classification and Compensation Study (Incorporation by reference as if fully set forth herein Schedule E) was made by Mayor Pro Tem Cheek, seconded by Commissioner Haiges and unanimously approved.*

**OLD BUSINESS**

**Wastewater Treatment Plant Road Improvements**

Thompson shared a Proposal for Engineering Services for the Wastewater Treatment Plant Road Improvement (Incorporation by reference as if fully set forth herein Schedule A). Thompson stated the construction is included in the 2014-2015 Budget.

*A motion to exempt the Town from the requirements of the Mini-Brooks Act, owing to the cost of the proposed scope of service is less than \$50,000, and owing to an existing professional relationship with McGill Associates was made by Commissioner Price, seconded by Commissioner Haiges and unanimously approved.*

*A motion to authorize the Town Manager to enter into an agreement with McGill Associates for the subject project as provided by the scope and terms of the proposal offered by McGill Associates was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.*

Parks and Recreation Master Plan RFQ

Thompson shared the proposed Parks and Recreation Master Plan RFQ (Incorporation by reference as if fully set forth herein Schedule B). Thompson stated that Staff and Commissioner Fadely worked on the document since the previous Board of Commissioners meeting.

*A motion to approve the Parks and Recreation Master Plan RFQ as presented (Incorporation by reference as if fully set forth herein Schedule B) was made by Commissioner Siler, seconded by Commissioner Haiges and unanimously approved.*

**NEW BUSINESS**

Review Proposed UDO Changes

Meadows shared a draft ordinance and list of current dumpsters and the distance from edge of street (Incorporated by reference as if fully set forth herein Schedule C). The Board of Commissioners discussed the draft ordinance concerning dumpsters and asked Staff to bring back more research.

Meadows shared recommendations from the Siler City Unified Development Ordinance Review Committee concerning Article XIII – Recreation Facilities & Open Space.

1. 180 Miniparks Required and 181 Miniparks: Purpose and Standards
  - a. Delete both sections.
  - b. Require developer pay a recreation fee per dwelling unit instead of building miniparks.
2. 182 Usable Open Space
  - a. Require the minimum amount of open space equal 5% of the total area of development plus and an additional 350 square feet per dwelling unit.
3. 184(a)
  - a. Include... commercial, retail, manufacturing and industrial developments... on any officially adopted plans... or part of the pedestrian system.

The Board of Commissioners discussed Article XIII- Recreation Facilities & Open Space. The consensus of Meadows shared the following draft ordinance amending Article XIX (Screening and Trees) of the Town of Siler City Unified Development Ordinance (UDO).

**AN ORDINANCE AMENDING ARTICLE XIXI (SCREENING AND TREES) OF THE TOWN OF SILER CITY UNIFIED DEVELOPMENT ORDINANCE (UDO)**

**THE BOARD OF COMMISSIONERS FOR THE TOWN OF SILER CITY HEREBY ORDAINS AS FOLLOWS:**

Section 1. §307 Retention and Protection of Large Trees of the UDO is amended to read as follows:

**§307 Retention and Protection of Large Trees**

- (a) Every development shall retain all existing trees eighteen (18) inches in diameter or more unless the retention of such trees would unreasonably burden the development.
- (b) No excavation or other subsurface disturbance may be undertaken within the drip line of any tree eighteen (18) inches in diameter or more (measured at five (5) feet above average grade), and no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half (12 ½) feet (measured from the center of the trunk) of any tree eighteen (18) inches in

diameter or more unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

- (c) The retention or protection of trees eighteen (18) inches in diameter or more as provided in §307(a) and §307(b) unreasonably burdens a development if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.
- (d) Incentives and Alternatives - If space that would otherwise be devoted to parking cannot be so used because of the requirements of §307(a) or §307(b), and, as a result, the parking requirements set forth in Article XVIII cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost" because of the provisions of §307(a) and §307(b), up to a maximum of fifteen (15) percent of the required spaces.
- (e) Large trees located along the edge of construction corridors should be retained wherever possible. Disturbed areas should be re-seeded with mixtures beneficial to wildlife, i.e. native annual grains appropriate for the season.
- (f) Exemptions
  - (1) Property within the A-R (Agricultural-Residential) and C-C (Central Business) zoning district.
  - (2) Existing or proposed single-family detached dwellings or two-family dwellings on individually owned lots.
  - (3) Multifamily developments containing eight (8) or fewer dwelling units on a single zone lots
  - (4) Lots smaller than one (1) acre.
  - (5) The removal of trees in conjunction with tree farms, agricultural practices, or commercial nurseries
  - (6) Removal of trees that are dead, dying, diseased, or damaged from storms or other causes.
  - (7) Removal of trees that pose a risk to public health, safety, and welfare of to property.
  - (8) Tree removal to protect utilities or maintain utility right-of-ways.
  - (9) Trees located within a project's future right-of-way, outline of a building envelope/footprint, project parking area.
  - (10) Blockage of stormwater control mechanisms.
  - (11) Forestry actively on forestland taxed on the basis of its present-use value as forestland under Article 12, Chapter 105, of the NC General Statutes.
  - (12) Activity conducted in accordance with a forest management plan prepared by a forester registered as prescribed in Chapter 89B of the NC General Statutes
- (g) Tree Survey
  - (1) Tree survey is required prior to any land disturbing activity or any applications for grading, building, or rezoning.
  - (2) Tree survey must be submitted in conjunction with site review plan application.
  - (3) Tree survey is prepared by a surveyor, registered forester or certified arborist.
  - (4) Elements required as part of the tree survey include: location of trees, size of trees, species of trees, and where clear cutting activity occurred within the previous three (3) years
  - (5) All trees that were previously on the site need to be identified and quantified in some way.

(h) Credits for Retained Trees

- (1) Trees retained may be used to satisfy streetscape, screening, and shading requirements can receive credits according to the following: The developer shall receive credit toward planting requirements of four (4) trees for each retained tree eighteen (18) inches or greater that remains on site after construction.

(i) Mitigation for Trees Not Retained

- (1) If a property owner/applicant cannot preserve trees eighteen (18) inches in diameter or greater, then the property owner/applicant shall replant at least the same number of existing trees eighteen (18) inches or greater that cannot be preserved; and/or
- (2) Submit fee to the Town that totals the current nursery market value for required number of replacement trees plus associated cost of installation.
- (3) All required replanted trees shall be categorized as large trees as identified in Appendix E.

(j) Trees Removed Prior to Site Plan and Zoning Permit Approval

- (1) If the Town can determine the number of trees eighteen (18) inches or greater that were removed, then the owner/applicant shall be subject to the following:
  - i. For every tree eighteen (18) inches diameter or greater that is removed, the owner/applicant must replace four (4) times the number of trees that were removed; and/or
  - ii. Submit fee to the Town that totals the current nursery market value for required number of replacement trees plus associated cost of installation.
- (2) If the Town cannot determine the number of trees eighteen (18) inches or greater that were removed, then the owner/applicant shall be subject to a fee equal to ten cent (\$.10) per square foot (\$4,356 per acre) of cleared property.
  - i. Any fees collected will be deposited into the Town of Siler City Landscaping account.
  - ii. Funds shall be spent on landscaping located on public property including but not limited to: streetscape improvements, public parks, public spaces, public road right-of-ways, and public parking lots.
  - iii. Fee shall be paid prior to any development permits are issued.
- (3) All required replanted trees shall be categorized as large trees as identified in Appendix E.

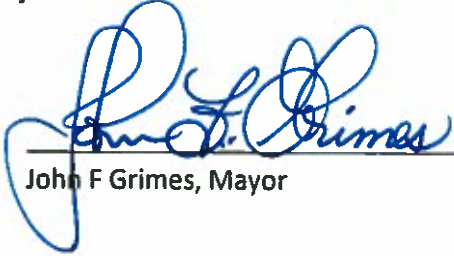
Meadows shared Article XVII – Sign Regulations – ii. Special Permit for Murals 5. Anti-Graffiti coating required. An anti-graffiti coating shall be applied to all murals at the time of installation and reapplied at intervals determined by the manufacturer. Meadows stated he spoke with the Mural Society and they have requested this section be removed.

The Board of Commissioners asked Town Staff to rewrite the proposed sections of Unified Development Ordinance based on the discussion of the Board of Commissioners and the recommended changes from the Siler City Unified Development Ordinance Review Committee.

Meadows stated he may need to come back in a couple of months to discuss the Unified Development Ordinance.

**ADJOURMENT**

With no further business the Board of Commissioner adjourned.



John F Grimes, Mayor

**ATTEST:**



Jenifer J Everage, Town Clerk

