

### TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, March 6, 2017** at 7:00pm in City Hall Courtroom with Mayor John Grimes presiding. Mayor Pro Tem Cheek gave the invocation with the recitation of the Pledge of Allegiance following. Commissioner Constantino recited the Town of Siler City Mission Statement and Commissioner Siler recited the Town of Siler City Vision Statement.

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

**ELECTED TOWN OFFICIALS ABSENT:** Lewis Fadely

**TOWN STAFF PRESENT:** Town Manager Bryan Thompson, Town Attorney William Morgan, Planning Director Jack Meadows, Police Chief Gary Tyson, Human Resources Director Nancy Bullins, and Town Clerk Jenifer Everage.

### AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Thompson asked to add Run for the Wall under presentations and remove item d) Request for Right of Way Reduction – E Third Street under New Business.

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

### CONSENT

*A motion to approve the consent agenda which included the January 28, 2017 Minutes (Incorporation by reference as if fully set forth herein Schedule A), the February 6, 2017 Minutes (Incorporation by reference as if fully set forth herein Schedule B) was made by Mayor Pro Tem Cheek, seconded by Commissioner Price and unanimously approved.*

### PRESENTATIONS

#### Run for the Wall

Pastor Mark Richardson with the Journey Church stated the 3<sup>rd</sup> Run for the Wall event will be on May 24, 2017 at 11:30am at the Journey Church.

### OLD BUSINESS

#### Boling Lane Park Update

Thompson stated through previous discussions with the Board of Commissioners, Staff presented a proposal to relocate the playground area at Boling Lane Park from its current location to the area at the Park that sits between the picnic shelter and the walking track. This is the same area where the former tennis court sits. Two primary objectives in relocating the playground area includes: 1) parents will be able to utilize the walking track, while at the same time keep a watch over their children at the playground; 2) day-to-day maintenance labor of the playground would become decrease as the playground area will no longer be located under sweetgum trees.

In addition to the benefits listed in the above, Staff has found that, in conversations with the Loves Creek Watershed Stewards, when working though the Boling Lane Park watershed project, this project could be made stronger if the proposed relocation were to take place.

With relocating playground elements that are eligible for continued use, along with utilizing equipment donated to the Town by Chatham Charter and the purchase of one or two affordable elements, Staff believes the playground amenity would be stronger at Boling Lane Park post-project than it is currently.

The relocation expense would be the following:

Remove: five sweet gum trees and one white ash that are effected in the Loves Creek Watershed Stewards project area: \$4,500 (paid for by grant)

Installation:

90 foot border: \$2,100

210 yards of mulch: \$3,300

Cement footings: \$500

New Slide: \$4,000

Total: \$9,900 (current operating budget)

Thompson stated that additional items could be added to the project:

Beyond the tree removal listed in the above, which is covered by grant funding, there are 15 additional sweet gum trees that are being requested for removal. The removal of these trees, if completed at the same time as those trees being removed for the grant project purposes, is \$5,500. There are sufficient funds to complete this additional work within the current operating budget of the Parks and Recreation Department. This cost would increase to \$7,000 if these trees are removed at a different time as a stand-alone project.

Thompson stated that the total cost from the 2016/2017 Parks and Recreation Budget: \$15,400

***A motion to relocate the playground at Boling Lane Park to the former tennis court funded out of the current budget year's operating funds was made by Commissioner Haiges, seconded by Commissioner Siler, and unanimously approved.***

***A motion to approve the expansion of the Loves Creek Watershed Stewards project to include the current playground location was made by Commissioner Haiges, second by Commissioner Constantino, and unanimously approved.***

***A motion to approve the removal of 15 additional sweet gum trees in Boling Lane Park was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.***

#### NEW BUSINESS

##### Airport – FBO Agreement

Thompson shared a revised Fixed Base Operator (FBO) agreement between the Town of Siler City and Cardinal Air. The current agreement's term has elapsed, requiring a new agreement to be made in order to maintain airport management services with Cardinal Air. William Morgan, Town Attorney, has worked with Town Administration, Cardinal Air and the Siler City Airport Authority to draft the proposed revised agreement.

Thompson stated with exception to flowage fees thresholds, the terms of compensation to Cardinal Air is not proposed to change. However, certain aspects of the proposed agreement clarifies the scope of FBO responsibilities. In addition. The proposed agreement seeks to consolidate existing agreements and amendments relating to FBO services provided by Cardinal Air for the Town of Siler City.

Thompson shared the following documents with the Board of Commissioners:

- Proposed FBO Agreement
- 1996 Lease Agreement
- 1996 FBO Agreement
- 2001 FBO Addendum
- 2007 FBO Addendum

The proposed agreement has been reviewed by the Town Attorney, and a recommendation for approval of the same has been made by the Siler City Airport Authority.

***A motion to approve the fixed base operator agreement between Cardinal Air, LLC and the Town of Siler City was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.***

Airport – Mowing Agreement

Thompson stated that staff seeks the approval of the proposed airport mowing agreement from the Town Board pursuant to a favorable recommendation from the Siler City Airport Authority for the same. The proposed agreement defines the relationship between the Town and the vendor chosen to provide mowing services. Compensation for services is the right to harvest hay upon certain parts of the Siler City Airport property. This agreement, in part, clarifies the prioritized nature and function of the subject property – that is, the subject property is an aviation operation first and foremost, and all other activities are secondary to this and that all operations, aviation and otherwise, must be conducted in a manner that observes aviation-related rules, guidelines and regulations.

Thompson stated that the proposed agreement continues the existing relationship the Town has with its mowing contractor, Bunn Castlebury.

Thompson stated that this agreement mirrors the language of the Request for Letters of Interest document previously approved by the Board of Commissions and has been reviewed by the Town Attorney and recommended for approval by the Siler City Airport Authority.

***A motion to approve the airport mowing agreement between Bunn Castlebury and the Town of Siler City was made by Commissioner Price, seconded by Mayor Pro Tem Cheek and unanimously approved.***

FEMA Assistance from NC

Thompson shared the North Carolina Department of Public Safety Disaster Assistance Agreement, Attachment A – Lobbying Prohibition, and Attachment B-1 and B-2 Assurance-Construction Programs.

Thompson stated that these documents must be submitted to the state prior to the disbursement of any funds for Hurricane Matthew Assistance. The assistance comes 75% from the Federal Government and 25% from the State. Thompson stated that Town staff is very close to submission of all claims for assistance.

***A motion to approve the North Carolina Disaster Assistance Agreement was made by Mayor Pro Tem Cheek, seconded by Commissioner Haiges, and unanimously approved.***

**Request for Street Closing of Unopened Street – N Evergreen Avenue**

Meadows stated that Mr. Magdaleno Perez and his wife have retained Moody, Williams, Roper & Lee LLP to petition the Town of Siler City to close an unopened portion of N. Evergreen Ave. pursuant to NC Gen. Stat. §160A-299. The subject portion is adjacent to their property at 502 W. 5<sup>th</sup> St.

§160A-299 requires:

1. Adopting of a resolution declaring the Town's intent to close the subject street;
2. Publishing the resolution once a week for 4 consecutive weeks prior to the public hearing;
3. Mailing by registered or certified mail the resolution to all owners of property adjoining the street as shown on the county tax records;
4. Posting a notice of closing and public hearing shall be prominently posted in at least 2 places along the street;
5. Holding a public hearing;
6. Adopting an order permanently closing the subject street; and
7. Recording the order in the Office of the Register of Deeds.

Meadows shared the following notes concerning the request:

1. §160A-299 is not the same statute that is used when a property owner is seeking to withdraw from dedication a portion of a street.
  - a. Those requests are made pursuant to NCGS §136-96 and §136-66.2 by requesting the Town Board adopt a resolution that the street is not part of the Town's thoroughfare plan.
  - b. Also, §160A-299 requires that the closed portion of the street be split between adjacent property owners at the centerline (unlike §136-96 which is first come take all).
2. It appears the subject right-of-way has been used as a private driveway to access the property at 502 W. 5<sup>th</sup> St. (owned by petitioner) and 418 W. 5<sup>th</sup> St. (owned by Sherrie F. Rives).
3. The petitioner has volunteered to pay for all expenses associated with this request.

***A motion to adopt the resolution declaring the Town's intent to close an unopened portion of N Evergreen and set a public hearing on April 17, 2017 was made by Commissioner Haiges, seconded by Commissioner Price, and unanimously approved.***

**MANAGER'S REPORT**

Thompson shared the following with the Board of Commissioners:

The house on N Chatham Avenue that is currently under abatement has asbestos, staff will be updating the project and BIC project has been awarded to the Town.

**BOARD OF COMMISSIONERS COMMENTS**

Commissioner Haiges stated that he has received concerns about an unwell elderly gentleman walking around downtown.

Commissioner Bray thanked Terry Green for his assistance with pot holes.

Commissioner Constantino stated that the Habitat Event is sold out.

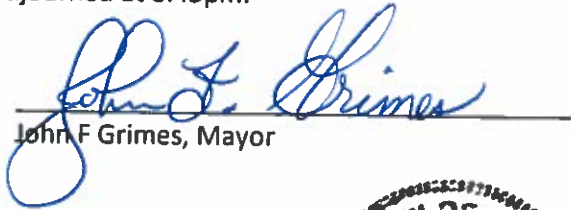
**CLOSED SESSION**

*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 and § 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 8:00pm was made by Commissioner Price, seconded by Commissioner Haiges, and unanimously approved.*

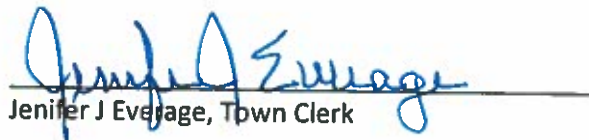
*A motion to come out of Closed Session at 8:44pm was made by Commissioner Haiges, seconded by Mayor Pro Tem Cheek, and unanimously approved.*

**ADJOURNMENT**

With no further business the Board of Commissioners adjourned at 8:45pm.

  
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John F Grimes, Mayor

**ATTEST:**

  
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Jenifer J Everage, Town Clerk

