

### TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, April 15, 2019** at 7:00pm in City Hall Courtroom with Mayor Grimes presiding. Commissioner Siler gave the invocation with the recitation of the Pledge of Allegiance following. Commissioner Bray recited the Town of Siler City Mission Statement and Mayor Pro Tem Cheek recited the Town of Siler City Vision Statement.

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

**TOWN STAFF PRESENT:** Town Manager Bryan Thompson, Attorney William Morgan, Planning Director Jack Meadows, Human Resources Director Nancy Darden, Interim Police Chief Jeanne Miller, and Town Clerk Jenifer Johnson.

### AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Thompson requested the addition of introduction of new Public Works Director Chris McCorquodale, Mutual Use Agreement with The Factory for Parks and Recreation and §143-318.11(a)(1) closed session to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

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

### CONSENT

*A motion to approve the consent agenda which includes the March 28, 2019 Budget Workshop Minutes (Incorporation by reference as if fully set forth herein Schedule A), April 1, 2019 Minutes (Incorporation by reference as if fully set forth herein Schedule B), NCDOT TARPO Letter of Support (Incorporation by reference as if fully set forth herein Schedule C), Appoint Lou Giovenco and Re-Appoint Jonathan Contreras to the Parks and Recreation Advisory Board, and the Mutual Use Agreement with The Factory for Parks and Recreation (Incorporation by reference as if fully set forth herein Schedule J) was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.*

### PUBLIC COMMENT

none

### PRESENTATIONS

#### Charles McLaurin Retirement

Mayor Grimes present Charles McLaurin with a retirement resolution and thanked him for his service. (Incorporation by reference as if fully set forth herein Schedule E)

#### New Public Works Director Chris McCorquodale

Thompson introduced the new Public Works Director Chris McCorquodale.

#### Lion's Club 5k Walk/Run

Juanita Brown with the Siler City Lion's Club requested a rolling street closure for a 5k on Saturday, May 11, 2019. (Incorporation by reference as if fully set forth herein Schedule F)

*A motion to approve the NCDOT conditions for the Town and the rolling street closure from Bray Park through downtown and back to Bray Park for Saturday, May 11, 2019 from 9am to 10am and work with the Police Chief on the staffing details was made by Mayor Pro Tem Cheek, seconded by Commissioner Siler and unanimously approved.*

Milo Holt Festival

Linda Holt with the Milo Holt Festival requested the street closure of North and South Chatham Avenue from Third Street to Beaver Street West Second Street, West Beaver to South Birch Street for Saturday, May 18, 2019 from 10am to 5pm for the Milo Holt Western Festival. (Incorporation by reference as if fully set forth herein Schedule G)

*A motion to approve the NCDOT conditions for the Town and the street closure of North and South Chatham Avenue from Third Street to Beaver Street West Second Street, West Beaver to South Birch Street for Saturday, May 18, 2019 from 10am to 5pm for the Milo Holt Western Festival was made by Commissioner Fadely, seconded by Commissioner Siler and unanimously approved.*

**PUBLIC HEARING**

Town of Siler City proposes a resolution of Intent to close an unopened portion of Spring Street in the Town of Siler City

Mayor Grimes opened the public hearing for Town of Siler City proposes a resolution of Intent to close an unopened portion of Spring Street in the Town of Siler City at 7:34pm. (Incorporation by reference as if fully set forth herein Schedule H)

Meadows stated that Mr. Simpson and his wife retained Moody, Williams, Roper & Lee LLP to petition the Town of Siler City to close an unopened portion of Spring St. pursuant to NC Gen. Stat. §160A-299. The subject portion is adjacent to their property at 806 E. 3<sup>rd</sup> St.

Meadows stated on March 4, 2019, the Town Board adopted a resolution of intent to close the subject street.

Meadows stated that per §160A-299 the following items were completed by Town Staff:

1. Published the resolution once a week for 4 consecutive weeks prior to the public hearing;
2. Sent the resolution via certified mail to all owners of property adjoining the street as shown on the county tax records; and
3. Prominently posted a notice of public hearing in 2 places along the street.

Meadows shared that after said public hearing, if the Mayor and the Board of Commissioners are of the opinion that the closing of said unopened platted street would not be contrary to the public interest or to the rights of individuals owning property abutting or in the vicinity of said street and does not interfere with ingress and egress of said property, the mayor and Board of Commissioners may adopt an Order permanently closing that portion of North Evergreen Avenue above described.

Meadows stated if the Town Board adopts an order permanently closing the subject unopened portion of N. Evergreen Ave., then Town Staff will record the order in the Office of the Register of Deeds.

Meadows shared the following documents:

1. Aerial Photo

2. Letter from Moody, Williams, Roper, & Lee (January 16, 2019).
3. Plat Book 3, Page 17
4. Simpson deed
5. Resolution of Intent to Close
6. Adjoining property owner letter
7. Order to Permanently Close

Meadows noted:

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 that a portion of the subject right-of-way is being used for parking and drive aisle by 806 E. 3<sup>rd</sup> St. (owned by petitioner).

Joshua Lee stated he was in attendance to answer in questions.

Mayor Grimes closed the public hearing at 7:39pm.

***A motion to adopt the order to permanently close an unopened portion of Spring Street was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.***

Tim's Farm & Forestry II, LLC proposes to rezone ~262.57 acres from Agricultural-Residential (A-R) to Heavy-Industrial (H-I). The subject property is located along US 64 W. and Stockyard Rd. and is identified as parcel # 13023, 12871, 81024, 13043, and a portion of parcel # 13042

Mayor Grimes opened the public hearing for Tim's Farm & Forestry II, LLC proposes to rezone ~262.57 acres from Agricultural-Residential (A-R) to Heavy-Industrial (H-I). The subject property is located along US 64 W. and Stockyard Rd. and is identified as parcel # 13023, 12871, 81024, 13043, and a portion of parcel # 13042 at 7:40pm. (Incorporation by reference as if fully set forth herein Schedule I)

Meadows stated that the subject property is:

1. owned by Tims Farm & Forestry II, LLC
2. located outside the Town's Corporate Limits;
3. located within Central Chatham fire district;
4. located within the Duke Energy Progress electric service district;
5. located within a watershed protection area (portion of parcel # 12871); and
6. not located within a special flood hazard area.

Meadows shared the size of tract:

1. Subject tract is ~ 262.57 acres and includes 1 property owner and 5 tax parcels
2. Size of surrounding tracts: an average of 11.5 acres

Meadows shared the compatibility with the existing comprehensive Land Development Plan, which recommends:

1. Industrial development for the subject property.

2. Industrial Objectives and Strategies

- 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. Identify adequate land for future industrial development.
- d. Support existing industries.
- e. Improve the appearance of properties.
- f. Encourage close proximity of higher-density residential uses to mixed-use areas and compatible industrial areas.
- g. Encourage efficient use of transportation networks.
- h. Urban development densities should be restricted to areas in which sufficient water and sewer service is available.
- i. Require that as a condition of receiving public water and/or sewer service, all new developments be incorporated into the Town limits.
- j. Promote cluster development with usable open space and amenities.
- k. Ensure quality aesthetics in developments through appropriate landscaping, lighting, parking, and signage standards.
- l. Encourage planned developments.
- m. Develop driveway regulations to require access from service drives, prevent multiple driveways on a single lot, and control the spacing of driveways.
- n. 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.
- o. Preserve the sites best suited for office and industrial development by identifying such areas and excluding non-supportive uses from those sites.
- p. Make the extension of water and sewer service to identified industrial areas a priority.
- q. Encourage warehousing and assembly as industrial uses.
- r. Encourage water reuse, industrial recycling, and other environmental stewardship features for new and existing industries.
- s. Develop an industrial incentive policy and program.
- t. Designate areas of the Town's planning jurisdiction as growth areas and give priority to utility extensions in those areas.
- u. Expand the greenway system of trails for bicyclists and pedestrians, and the Town's sidewalk network, in accordance with the Town's Pedestrian Plan.
- v. Explore the option of allowing developer fees-in-lieu for park facilities and other public facilities.
- w. Develop a planting plan for street trees along public rights-of-way.
- x. Modify the development ordinances to be more user friendly where possible.
- y. Develop policies to encourage maintenance of structures.
- z. Implement recommendations from the Town's 2016 Natural Resource and Conservation Study.

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
US 64	~1,991	5	State	55	9,500
Stockyard Rd.	~4,514	2	State	55	560

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

Zoning District	H-I	A-R
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Minimum lot size (square feet)	0	40,000
Minimum lot width	100	100
Front/street building setback	40	40
Side/rear building setback	25	20
Height limitation	135	35

Meadows noted: 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 use of subject property is vacant, single family residential, forestry, agriculture
2. Surrounding land uses include; single-family residential, church, motor vehicle repair, stockyard, slaughterhouse, agriculture, forestry, and vacant
3. Surrounded by H-I, H-C, B-1, L-I, & A-R zoning

Meadows shared the Planning Board recommendations from the April 8, 2019 meeting:

The map amendment is approved and consistent with the adopted land development plan and any other officially adopted plan because:

1. Encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks.
2. Identify adequate land for future industrial development.
3. Encourage efficient use of transportation networks.
4. Require that as a condition of receiving public water and/or sewer service, all new developments be incorporated into the Town limits.
5. Preserve the sites best suited for office and industrial development by identifying such areas and excluding non-supportive uses from those sites.
6. Make the extension of water and sewer service to identified industrial areas a priority.
7. Encourage warehousing and assembly as industrial uses.
8. Designate areas of the Town's planning jurisdiction as growth areas and give priority to utility extensions in those areas.

Mayor Grimes closed the public hearing at 7:52pm.

***A motion that the map amendment for Tim's Farm & Forestry II, LLC proposes to rezone ~262.57 acres from Agricultural-Residential (A-R) to Heavy-Industrial (H-I). The subject property is located along US 64 W. and Stockyard Rd. and is identified as parcel # 13023, 12871, 81024, 13043, and a portion of parcel # 13042 is approved and consistent with the adopted land development plan and any other officially adopted plan because this encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks, identify adequate land for future industrial development, encourage efficient use of transportation networks, require that as a condition of receiving public water and/or sewer service, all new developments be incorporated into the Town limits and the action taken is reasonable in the public interest because it preserve the sites best suited for office and industrial development by identifying such areas and excluding non-supportive uses from those sites, designate areas of the Town's planning jurisdiction as growth areas and give priority to utility extensions in those areas, make the extension of water and sewer service to identified industrial areas a priority, develop an industrial incentive policy and program was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.***

**OLD BUSINESS**

none

**NEW BUSINESS**

Commissioner Bray asked about smoking in town parks. The Board of Commissioners discussed smoking on town property and asked staff to bring back other town policies for them to review.

**MANAGER'S REPORT**

none

**TOWN ATTORNEY INFORMATION**

none

**GOVERNING BODY COMMENTS**

**CLOSED SESSION**

*A motion to go into §143-318.11(a)(1) closed sessions to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes at 8:04pm was made by Commissioner Haiges, seconded by Mayor Pro Tem Cheek and unanimously approved.*

*A motion to come out of Closed Session at 8:25pm was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.*

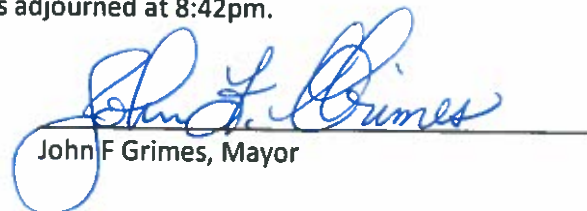
Town Manager Bryan Thompson shared his resignation with the Board of Commissioners. Thompson stated he would be taking the Chatham County Assistant Manager position. His last day will be Sunday, July 14, 2019. The Board of Commissioners thanked Thompson for his service to Siler City and wished him well.

*A motion to go into §143-318.11(a)(6) closed session 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 8:30pm was made by Commissioner Fadely, seconded by Commissioner Siler and unanimously approved.*

*A motion to come out of closed session at 8:40pm was made by Commissioner Fadely, seconded by Commissioner Siler and unanimously approved.*

**ADJOURNMENT**

With no further business the Board of Commissioners adjourned at 8:42pm.

  
John F Grimes, Mayor

**ATTEST:**

  
Jenifer K Johnson, Town Clerk