

TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, May 21, 2018** at 7:00pm in City Hall Courtroom with Mayor 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 Fadely recited the Town of Siler City Vision Statement.

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

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

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Thompson asked to add Triangle J Council of Government Charter Resolution under Consent, Pool Ribbon Cutting under Presentation, Introduction of Interim Police Chief Jean Miller under Presentation, and Moratorium Discussion under Old Business.

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

CONSENT

A motion to approve the consent agenda which includes the Triangle J Council of Government Charter Amendment Resolution (Incorporation by reference as if fully set forth herein Schedule F) was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

PUBLIC COMMENT

Jackie Adams, 1298 Plainfield Church Road, Siler City, NC 27344

The Oasis will have an event on Saturday, July 7 with the Siler City Merchants Association. We are asking to block off Beaver Street from Scott Alley and North Chatham Avenue. We will have fire trucks and Parks and Recreation at the event.

A motion to close Beaver Street from Scott Alley to North Chatham Avenue on Saturday, July 7 was made by Commissioner Fadely, seconded by Commissioner Siler and unanimously approved.

PRESENTATIONS

Parks & Recreation Fund Raising Update

Lee Mikell with Convergent shared the following with the Board of Commissioners:

(Incorporation by reference as if fully set forth herein Schedule E):

(1) Fundraising

A. UNC-Chatham Hospital - \$25,000 Pledge

B. Dr. Mark and Elizabeth Zeringue- \$5,000 Pledge

C. Patty Poe - \$2,500

D. Total to Date - \$252,500

(2) Awareness Raising

A. Preparation and Distribution of Third Campaign Newsletter Underway

B. Church Awareness Program Plan

Letter mailed to over 100 church pastors throughout Chatham County inviting them and their congregations to an Aquatic Center and recreation opportunities update on Tuesday, May 22 and Thursday, May 24 at 5:30pm. Meeting will be moderated by Bryan Thompson and Joseph Keel.

(3) Everyone Jump In

A. Leadership Continues

B. General Public Opportunity

Pool Ribbon Cutting

Keel stated that Staff has been over-seeing the renovation project at the Bray Park Aquatic Facility. Staff and contractors have been able to work through change orders and construction details in a timely manner. However, given the late start on the renovation due to the hold up from Environmental Health Department, both contractors have agreed they would feel comfortable with a July 2nd open date given there are no unforeseen circumstances that arise. Construction has been moving swiftly after construction plans were approved by the Environmental Health Department on March 26th. Now that the bathhouse and pool renovations are in full swing, both contractors are meeting in the middle to finish up the project. This meaning they are working in the same areas of the facility and this makes it difficult for them both to work at the same time. With the projected July 2nd open date, this allows us to have the pool open this summer and also meets the requirement set forth for the contractors to complete the project in 120 days. Staff will keep the pool open until September 23rd instead of closing the pool at the normal scheduled time of September 3rd, Labor Day.

Keel stated that Staff has also put together a Program Schedule for the Bray Park Aquatic Facility. This Program Schedule allows for staff to run programs at the pool, allow for rentals and also allow for Open Swim every day of the week. Staff is excited about rolling out the new aquatic programs this summer and will tailor the programs to the needs assessment done during the aquatic programs.

Keel stated with the projected open date of the Bray Park Aquatic Facility on July 2nd, staff recommends doing a ribbon cutting ceremony on July 2nd at 12:00pm. Staff would invite Mayor Grimes and the Board of Commissioners to take place in the ribbon cutting ceremony and then allow for our first Open Swim time of the year to follow.

Introduction of Interim Police Chief Jean Miller

Thompson introduced Chief Jean Miller. Chief Miller is a retired career law enforcement professional with over 40 years of law enforcement experience. Throughout her career, Chief Miller has served in a number of leadership and command posts within the law enforcement community. Among other positions held during her time of service, Chief Miller served as Lieutenant over the Major Crimes Division with the Detroit Police Department, Detroit, Michigan; Assistant Superintendent of Police with the Peoria Police Department, Peoria, Illinois; and Chief of Police for the Reynoldsburg Police

Department in Ohio. Chief Miller last served as Chief of Police in North Carolina with the Town of Davidson Police Department before retiring from full-time status.

During her tenure with the Town of Davidson, NC, the Davidson Police Department became recognized by the Commission on Accreditation for Law Enforcement Agencies, Inc. in 2008; it was fully accredited in 2011, and re-accredited in 2014 and 2017. Additionally, and with the leadership of Chief Miller, the Davidson Police Department became the first agency in North Carolina to be certified by the North Carolina League of Municipalities in its Law Enforcement Risk Review.

Since her retirement, Chief Miller has begun a second law enforcement career serving as Interim Police Chief for communities managing transition on an executive command level. Chief Miller's latest service as Interim Chief was for the Town of Covington's Police Department in Virginia.

The Board of Commissioners welcomed Miller to the community.

PUBLIC HEARING CONTINUATION FROM APRIL 2, 2018

Proposes text amendments to §18 Definitions (masonry, person, stoop), §136 Definitions (itinerant merchant, mobile food unit, mobile vending unit temporary use, mobile vending vehicle, open air market, peddler, specialty market, specialty market operator, specialty market vendor, transient vendor, yard sale), §140 Accessory Uses (yard or garage sales), §147 Table of Permissible Uses (mobile vending unit, sale of agricultural products grown off site), §151 Temporary Uses (mobile vending unit, sale of agricultural products grown off site, open air market)

Mayor Grimes opened the public hearing for the proposes text amendments to §18 Definitions (masonry, person, stoop), §136 Definitions (itinerant merchant, mobile food unit, mobile vending unit temporary use, mobile vending vehicle, open air market, peddler, specialty market, specialty market operator, specialty market vendor, transient vendor, yard sale), §140 Accessory Uses (yard or garage sales), §147 Table of Permissible Uses (mobile vending unit, sale of agricultural products grown off site), §151 Temporary Uses (mobile vending unit, sale of agricultural products grown off site, open air market) at 7:40pm. (Incorporation by reference as if fully set forth herein Schedule B)

Meadows stated that the proposed amendments were first discussed between a business owner and Town staff. Town staff prepared the proposed amendments following a review of other communities' ordinances and NC General Statutes. The Planning Board has reviewed draft language at several regular meetings and initiated the proposed amendment. On March 19, 2018 the Town Board held a public hearing on the proposed amendments, provided comment, and recessed the public hearing until April 2. Town staff and attorney revised the documents per the comments from the Town Board. On April 2, the Town Board asked for Com. Fadely, Planning Board Chair Butch Hudson, and Planning Director Jack Meadows to meet and discuss the proposed amendments and recessed the public hearing until May 21. On May 1, Fadely, Hudson, and Meadows met, discusses, and proposed no further changes.

Meadows shared the following documents:

1. draft ordinance amending Article 2, 10, 11
2. final ordinance amending Article 2, 10, 11
3. NCGS §66-250 - §66-259

4. photos of parking lot at Dry Dock
5. emails from other communities
6. press release from Chatham County Health Dept. and response emails
7. SCDT Committee recommendation
8. worksheet.

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

1. Amend ordinances as needed to accommodate uses or situations that arise and are not clearly covered by existing ordinances.
2. Amend ordinances as needed to address changes in physical, social, or environmental circumstances that make existing regulations unnecessary, outdated, or obsolete.
3. Modify the development ordinances to be more user-friendly where possible.
4. Develop flexible zoning standards that accommodate mixed uses in the CBD, which will assist in the adaptive reuse of buildings.
5. Continuation of agribusiness in rural portions of the Town's ETJ, and also supports farming within the ETJ as a local source of food and a way to enhance the local economy.

Meadows shared the Planning Board recommendations from the March 15, 2018 meeting:

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

1. Amend ordinances as needed to accommodate uses or situations that arise and are not clearly covered by existing ordinances.
2. Amend ordinances as needed to address changes in physical, social, or environmental circumstances that make existing regulations unnecessary, outdated, or obsolete.
3. Modify the development ordinances to be more user-friendly where possible.

Mayor Grimes closed the public hearing at 7:45pm

A motion that the text amendments to §18 Definitions (masonry, person, stoop), §136 Definitions (itinerant merchant, mobile food unit, mobile vending unit temporary use, mobile vending vehicle, open air market, peddler, specialty market, specialty market operator, specialty market vendor, transient vendor, yard sale), §140 Accessory Uses (yard or garage sales), §147 Table of Permissible Uses (mobile vending unit, sale of agricultural products grown off site), §151 Temporary Uses (mobile vending unit, sale of agricultural products grown off site, open air market) its consent with Town Code is approved and consistent with the adopted land development plan and any other officially adopted plan because amending ordinances as needed to accommodate uses or situations that arise and are not clearly covered by existing ordinances and amending ordinances as needed to address changes in physical, social, or environmental circumstances that make existing regulations unnecessary, outdated, and obsolete and the action is reasonable and in the public interest because modifying the development ordinances to be more user friendly where possible was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

Commissioner Bray was excused for the remainder of the meeting at 7:50pm.

PUBLIC HEARINGS

Proposes text amendments to §18 Definitions (arbor, aviation lighted beacon, bus shelter, bus stop, deck, eave, guardhouse, gutter, pergola, roof, stairs, substantially opaque, trellis, water meter building), §136 Definitions, §170 Building Setback Requirements for fences and encroachments for aviation lighted beacons, bus shelters, guardhouses, water meter buildings

Mayor Grimes opened the public hearing for the proposes text amendments to §18 Definitions (arbor, aviation lighted beacon, bus shelter, bus stop, deck, eave, guardhouse, gutter, pergola, roof, stairs, substantially opaque, trellis, water meter building), §136 Definitions, §170 Building Setback Requirements for fences and encroachments for aviation lighted beacons, bus shelters, guardhouses, water meter buildings at 7:50pm. (Incorporation by reference as if fully set forth herein Schedule C)

Meadows stated that the proposed amendments were first discussed by Town staff with developers. Town staff prepared the proposed amendments following a review of other communities' ordinances and NC General Statutes. The Planning Board reviewed draft language at their April 9th meeting and initiated the proposed amendment.

Meadows shared the following documents:

1. draft ordinance amending Article 2, 10, & 12
2. final ordinance amending Article 2, 10, & 12
3. information on water meter buildings, guardhouses, aviation lighted beacons, and bus shelters
4. Worksheet

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

1. Amend ordinances as needed to accommodate uses or situations that arise and are not clearly covered by existing ordinances.
2. Amend ordinances as needed to address changes in physical, social, or environmental circumstances that make existing regulations unnecessary, outdated, or obsolete.
3. Modify the development ordinances to be more user-friendly where possible.
4. Ensure development in surrounding areas is compatible with airport uses.
5. Consideration of a "Complete Street" policy for the Town, which would require that all future streets be designed to accommodate all modes of users (cars, trucks, buses, bicycles, pedestrians, wheelchairs, etc.).
6. 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.

Meadows shared the Planning Board recommendations from the May 14, 2018 meeting:

Approved and consistent with the adopted land development plan and any other officially adopted plan because:

1. Amend ordinances as needed to accommodate uses or situations that arise and are not clearly covered by existing ordinances.
2. Amend ordinances as needed to address changes in physical, social, or environmental circumstances that make existing regulations unnecessary, outdated, or obsolete.
3. Modify the development ordinances to be more user-friendly where possible.

Mayor Grimes closed the public hearing at 7:54pm.

A motion that the text amendments to §18 Definitions (arbor, aviation lighted beacon, bus shelter, bus stop, deck, eave, guardhouse, gutter, pergola, roof, stairs, substantially opaque, trellis, water meter building), §136 Definitions, §170 Building Setback Requirements for fences and encroachments for aviation lighted beacons, bus shelters, guardhouses, water meter buildings are approved and consistent with the adopted land development plan and any other officially adopted plans because it modifies the development ordinances to be more user friendly where possible and the action is reasonable and in the public interest because it improves the Land Development Plan was made by Mayor Pro Tem Cheek, seconded by Commissioner Haiges and unanimously approved.

Proposes text amendments to §18 Definitions (junk), §136 Definitions (automobile graveyard, junkyard, salvage yard), §147 Table of Permissible Uses (salvage yard, junkyard, automobile graveyard).

Mayor Grimes opened the public hearing for proposes text amendments to §18 Definitions (junk), §136 Definitions (automobile graveyard, junkyard, salvage yard), §147 Table of Permissible Uses (salvage yard, junkyard, automobile graveyard) at 7:55pm. (Incorporation by reference as if fully set forth herein Schedule D)

Meadows stated that the proposed amendments were first discussed by Town staff with developers. Town staff prepared the proposed amendments following a review of other communities' ordinances and NC General Statutes. The Planning Board reviewed draft language at their April 9th meeting and initiated the proposed amendment.

Meadows shared the following documents:

1. draft ordinance amending Article 2 & 10
2. final ordinance amending Article 2 & 10
3. information on 1110 Greensboro Ave.
4. Worksheet

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

1. Amend ordinances as needed to accommodate uses or situations that arise and are not clearly covered by existing ordinances.
2. Amend ordinances as needed to address changes in physical, social, or environmental circumstances that make existing regulations unnecessary, outdated, or obsolete.
3. Modify the development ordinances to be more user-friendly where possible.

Meadows shared the Planning Board recommendations from the May 14, 2018 meeting:

Approved and consistent with the adopted land development plan and any other officially adopted plan because:

1. Amend ordinances as needed to accommodate uses or situations that arise and are not clearly covered by existing ordinances.
2. Amend ordinances as needed to address changes in physical, social, or environmental circumstances that make existing regulations unnecessary, outdated, or obsolete.
3. Modify the development ordinances to be more user-friendly where possible.

The Board of Commissioners discussed the text amendment, including making the scrap materials salvage yard, junkyard, and automobile graveyard to require a conditional use permit in all zoning areas.

Jimmy Pugh, 330 Womble Street, Siler City, NC 27344

This has been an issue with me for quite some time. They say pick your battles, and I've been having mine about 40 years plus. You may or may not know how this came to be and it was illegal on day one because your order was found to be invalid because you didn't advertise it long enough, you have to go back and advertise it properly. Back when this first started the Town had good intentions, I guess, but they did not advertise the ordinance long enough. It begin with the Hardee's downtown. The town thought they had advertised long enough, but they were one day short. Hardee's lawyers caught on to that and had the town to re-advertise the ordinance. In that time, that they were advertising, what happened is that's when Marsh brought the property, which was no way as big as it is now. I guess you can't find a record to what it is zoned now, because I don't think the town would want an eye sore like that where it's at. So, it's there and nothing has been done to stop it from flourishing and our community is paying the price. When you build your home and think you're going to have a nice place to stay and you open your door and see a junk yard. It wasn't there when you build your home, but it's there now, and it's not doing any good to anybody but the Marsh Family. They first told us, were not going to put cars on the residential area, but they are so back into the residential area. Nothing is being done, the fence is falling down. As far as spraying for mosquitos, they lie about that, they don't spray. When your outside, it takes about a minute and you will have 20 to 30 mosquitos on you. It's not a pretty site, it is not a nice site. As far as the fencing, it falling down. I don't know who regulates that, but no one is regulating it because it's falling down all the way around. It's not your neighborhood, fighting this battle, trying to get a board to do something about this eye sore. Siler City is trying to revitalize and rebrand and that is not a good picture right on Highway 64. And the new property that they just brought. And by the way, this is just happening in a black neighborhood. There is nothing being done to stop them and there's nothing being done to make the follow regulations, if there is anything. But as far as spraying that's long been forgotten. Nothing is being done, because it's not your neighborhood and it's not effecting you like it is us. And it's been doing it for 40 plus years. I wish and pray that some board would do something about this situation.

The Board of Commissioners discussed the amendment and asked Staff to start a code enforcement complaint based on the comments of Mr. Pugh concerning the fence, setbacks, and mosquitos.

Mayor Grimes closed the public hearing at 8:30pm

A motion text amendments to §18 Definitions (junk), §136 Definitions (automobile graveyard, junkyard, salvage yard), §147 Table of Permissible Uses (salvage yard, junkyard, automobile graveyard) amending table of uses to conditional use for all zoning districts is approved and consistent with the adopted land development plan and any other officially adopted plan because amending the ordinance is needed to accommodate uses or situations that arise and are not clearly covered by the existing ordinance and modifying the development ordinance to be more user friendly where possible and the action taken is reasonable and in the public interest because amending ordinances as needed to address changes in physical, social, or environmental circumstances that make existing regulations unnecessary, outdated, or obsolete was made by Commissioner Haiges, seconded by Mayor Pro Tem Cheek and unanimously approved.

OLD BUSINESS

Moratorium

Morgan shared a draft Ordinance providing a sixty (60) day moratorium on development approvals within the LOI (Light Industrial) and H-I (Heavy Industrial) zoning districts within 400 hundred feet of the Norfolk Southern Railroad's railroad right of way corridor from Raleigh Street to West Elk Street (Former Pilgrim's Pride Processing Facility). The Board of Commissioners discussed the moratorium.

A motion to set a public hearing date of June 18, 2018 for the moratorium was made by Commissioner Haiges, seconded by Mayor Pro Tem Cheek and unanimously approved.

NEW BUSINESS

none

MANAGERS REPORT

none

TOWN ATTORNEY INFORMATION

none

GOVERNING BODY COMMENTS

none

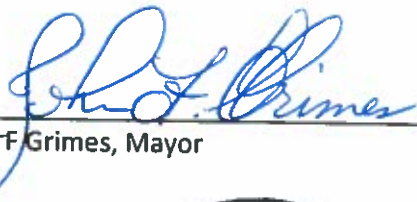
CLOSED SESSION

A motion to go into closed session § 143-318.11 (a) (6) Closed sessions 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 was made by Mayor Pro Tem Cheek, seconded by Commissioner Haiges and unanimously.

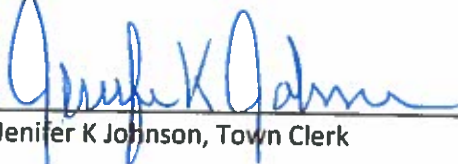
A motion to come out of closed session was made by Commissioner Haiges, seconded by Mayor Pro Tem Cheek at 9:08pm.

ADJOURNMENT

With no further business the Board of Commissioners adjourned at 9:10pm.


John F. Grimes, Mayor

ATTEST:


Jenifer K Johnson, Town Clerk

