

TOWN OF SILER CITY
BOARD OF COMMISSIONERS
June 5, 2023, MINUTES
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TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, June 5, 2023**, at 6:30pm in City Hall Courtroom with Mayor Price presiding. Commissioner Fadely gave the invocation with the recitation of the Pledge of Allegiance following. Mayor Pro Tem Haiges recited the Town of Siler City Mission Statement and Mayor Price recited the Town of Siler City Vision Statement.

ELECTED TOWN OFFICIALS PRESENT: Albert Alston, Norma Boone, Curtis Brown, Bill Haiges, and Thomas “Chip” Price, James Underwood, and Lewis Fadely

ELECTED TOWN OFFICIALS ABSENT: Cindy Bray

TOWN STAFF PRESENT: Town Manager Hank Raper, Finance Director Mandy Cartrette, Town Attorney William Morgan, Public Works Director Cal Pettiford, Public Utilities Director Chris McCorquodale, Planning Director, Human Resources Director, Nancy Darden, Planning Director Jennifer Baptiste, Police Chief Mike Wagner, Budget Manager Jenifer Johnson, and Town Clerk Kimberly Pickard.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Hank Raper, Town Manager presented the following adjustments to the Agenda

5.1 Stormwater Study Update from Freese Nichols

5.2 Stormwater Proposal- Mayor Price

7.1 Charter Amendment-Mayor’s Term Expansion and Ordinance

8.1 Watershed Protection Area- Special Intensity Allocation (SIA) move to Public Hearing from New Business

11.1 Closed Session

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

CONSENT AGENDA

A motion to approve the consent agenda which includes the March 27, 2023, April 13, 2023, April 24, 2023, May 9, 2023 and May 15, 2023 minutes (Incorporation by reference as if fully set forth herein Schedule A), FY2023 Budget Amendments, 2023.24 Airport Wind Damage, 2023.25 Amendment to fund lobbyist, 2023.26 Amendment to recognize insurance proceeds revenue for police vehicle collision, 2023.27 Amendment to recognize donation revenue in police department,. 2023.28 Amendment to recognize donation revenue in Fire Department. 2023.29 Amendment to recognize misc. revenue for the Wastewater Treatment Plant damage. (Incorporation by reference as if fully set forth herein Schedule B. Capital Project Budgets- Stormwater Utility Planning Grant for Local Assistance for Stormwater Infrastructure Investments (LASII) NC DEQ Project Number SRP-SW-ARP-0046, Sewer Rehabilitation for Approximately 19, 560 feet of 8” Sewer lines, Sewer Asset Inventory and Assessment (AIA)-NC DEQ Project Number AIA-W-ARP-0212 and Water Treatment Plant Sludge Improvements Project- NCDEQ Project Number SRP-W-ARP-0166 (Incorporation by reference as if fully set forth herein Schedule C) Grants for Police Department. For the upcoming fiscal year, the Siler City Police Department has a continuous need for the domestic violence advocacy program along with other necessities to help the growing population of the Town of Siler City. NC DPS Violence against women Act Stop Grant, NC DPS Edward Byrne Memorial Justice Assistance Grant, NC DPS Victims of Crime Act Victim Assistance Grant, NC DPS Children’s Justice Act, and apply for reimbursement from NC LM for the FY2022-2023 ballistic

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vest purchases (Incorporation by reference as if fully set forth herein Schedule D) was made by Mayor Pro Tem Haiges, seconded by Commissioner Fadely, and unanimously approved.

PRESENTATIONS

Stormwater Study Update from Freese Nichols

Freese & Nichols gave proposal on Stormwater Utility Fee Evaluation for The Town of Siler City.

Stormwater Proposal-Mayor Price

Mayor Price voiced his opposition to the Stormwater Proposal and requested that the Stormwater Fee be removed from the FY2023-24 Budget.

PUBLIC HEARING

Public Hearing Continuation from May 1, 2023, Text Amendment TA23-01 Swimming Pools, a request to review the regulation regarding fencing around swimming pools was made by the Siler City Board of Commissioners during the February 6, 2023, meeting. The Siler City Board of Commissioners requested staff to bring back more information to the June 5th, 2023, meeting.

Mayor Price opened the public hearing for TA23-01 Swimming Pools at 7:43pm

Planning Director Jennifer Baptiste shared the following information:

History

The Planning Board reviewed the information submitted by Planning staff and tabled the item during the March 13th meeting. The item was tabled and the Public Hearing continued until April 10th.

On April 10, 2023, the Planning Board reopened the Public Hearing regarding this request. After a brief discussion, the Board voted unanimously, 8-0, to recommend the Board of Commissioners

Commissioners

Commissioners

Approve the

request. The Planning Board recommended removing "above-ground pools" less than 48 inches from the

text amendment completely.

On May 1, 2023, the Board of Commissioners opened the Legislative Hearing regarding this item.

The Council identified items for further discussion:

- 1) Changing the regulation to apply to pools that are 24" and above in depth;
- 2) Inventory of the number of pools currently in existence that would not meet the new standards, if adopted; and
- 3) Information regarding how surrounding jurisdictions handle pools.

Analysis

Fencing around swimming pools

Currently in the Town of Siler City's Unified Development Ordinance (UDO), the only development standards associated with swimming pools are stated in Residential Uses Section 148.f.3.a:

(3) Accessory use detached buildings/structures.

- a) Carports, garages, greenhouses, playhouses, pump houses, satellite dish antennas, sports ramps, storage sheds, swimming pools, tool sheds, uncovered decks, workshops, etc.

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1. May be located in the rear yard and shall not be located in any front (or side, in the case of a corner or double frontage lot) or side yard.
2. Carports, garages, pump houses, and satellite dish antennas maybe located in a side yard if the detached accessory buildings/structures are no closer to the street than the principal building.
3. Uncovered decks may be located in a front or side yard only if the deck is no more than three (3) inches from the building wall of the principal building.
4. Shall comply with minimum building setback requirements of the zoning district in which they are located.

This section does not regulate, nor does it require the placement of fencing around pools.

However, most

municipalities reference the North Carolina State Building Code: Residential Code Appendix V and does not give detailed information for fencing requirements. This is done so that text amendments do not need

to be made every time the Code is updated.

Recommendation:

Staff recommends adding a statement to Section 148.f.3.a:

(3) Accessory use detached buildings/structures.

a) Carports, garages, greenhouses, playhouses, pump houses, satellite dish antennas, sports ramps,

storage sheds, swimming pools, tool sheds, uncovered decks, workshops, etc.

1. May be located in the rear yard and shall not be located in any front (or side, in the case of a corner or double frontage lot) or side yard.
2. Carports, garages, pump houses, and satellite dish antennas maybe located in a side yard if the detached accessory buildings/structures are no closer to the street than the principal building.
3. Uncovered decks may be located in a front or side yard only if the deck is no more than three (3) inches from the building wall of the principal building.
4. Shall comply with minimum building setback requirements of the zoning district in which they are located.

5. Swimming pools:

- i. All swimming pools, regardless of size, shall be located in the rear yard.
- ii. In-ground, above-ground, and on-ground swimming pools, hot tubs, and spas that have a depth of **24 inches** and over shall be enclosed by a fence or protective barrier meeting State standards.
- iii. In-ground, above-ground, and on-ground swimming pools, hot tubs, and spas that have a depth of **24 inches** and over are required to obtain a Zoning Permit.

Compatibility with Existing Comprehensive Plan (items below that are ***bold and italicized*** may be selected as reasons why the proposed amendment is consistent with the land development plan)

The Land Development Plan recommends:

- 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.***

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Baptiste Shared the following municipalities pool regulations.

Municipality Swimming Pool Regulation in UDO

Village of Pinehurst

- 1) Above ground swimming pools are prohibited except for Seasonal Swimming Pools regulated in item (6) below.
- 2) In residential zoning districts, all swimming pools as defined in Section 10.2 of this Ordinance shall be constructed only within the building envelope setbacks for accessory structures in the rear or side yard. Required fences for swimming pools located on golf courses or adjoining lakes may be located within the principal building setback but shall not be fenced in the accessory building or structure setback from lakefront or golf course indicated in Section 9.2a Table of Dimensional Requirements;
- 3) All building construction related to swimming pools (bath houses) shall be set back as provided in Subsection (2) above. Walks may extend no more than four (4) feet into building setbacks for accessory structures;
- 4) Hot tub/spas shall be setback as provided in Subsection 2 above.
- 5) Any pool water, structure, or chamber shall be treated, altered, or maintained so as to prevent the development of unsanitary conditions. Pools under construction or which are no longer being operated shall be maintained in a manner so as to prevent the development of unsanitary conditions, potential injury, or possible drowning. All pool enclosure fencing shall be completed at the time the pool is allowed to contain water.
- 6) Seasonal Swimming Pools as defined in Section 10.2 of this document are permitted to be installed above ground with the following standards:
 - (a) Structure shall only be erected from May 1 to September 30.
 - (b) Structure shall only be allowed in the rear yard and maintain a ten (10) foot setback from all property lines.
 - (c) From October 1 to April 30 the structure shall be removed and stored in a location not visible from a street or adjacent property.
 - (d) Seasonal swimming pools containing greater than twenty-four (24) inches of water shall meet all applicable requirements of the NC Building Code.
 - (e) A Development Permit is required each season that the structure is erected and a sketch plan shall be submitted along with the application showing the proposed location of the Seasonal Swimming Pool.

City of Burlington

Swimming Pool/Hot Tub (AMENDED 10.20.20 UDOTA-03-20; 05.16.23 UDOTA-01-23)

- a. Swimming pools and hot tubs shall be configured in accordance with all applicable requirements of the North Carolina State Building Code.
- b. In-ground swimming pools built as accessory uses shall be completely isolated from adjacent lands and streets by a fence or other structure having a minimum height of four feet and configured to prevent small children from gaining unsupervised access to the pool.
- c. Hot tubs shall be completely isolated from adjacent lands and streets by a fence or other structure having a minimum height of four feet or include a cover with a lockable latch to prevent small children from gaining unsupervised access to the

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hot tub.

d. Gates or doors opening into the area around the in-ground swimming pool or hot tub from outside the dwelling shall have self-closing and self-latching devices for keeping the gate or door closed at all times when not in use.

e. Above ground swimming pools are not required to have a fence but shall have a locking ladder that prevents access to the surface of the water when raised or otherwise locked.

f. These standards shall apply to any built structure placed or constructed for the purpose of bathing or swimming with a depth of two feet or more.

Other Municipalities Swimming Pool Regulations

g. Access to a pool or hot tub serving a non-residential use shall limit access to the pool or hot tub by members of the general public.

h. Swimming pools and hot tubs included as an accessory use to a single-family subdivision shall include one off-street parking space for every four persons of design capacity.

Town of Pittsboro

Swimming Pool. Swimming pools shall be enclosed by protective fencing meeting State standards.

Town of Cary (I) Swimming Pools, Hot Tubs and Spas (1) Enclosure Required for Swimming Pools

(1) Enclosure Required for Swimming Pools, Hot Tubs, and Spas

(a) General Requirement

In order to protect unattended children from the risk of drowning:

1. All below-ground outdoor swimming pools, hot tubs, or spas having a depth of eighteen (18) inches or greater at the deepest point shall be completely surrounded by a fence or wall with a height of no less than four (4) feet. The fence or wall may be made of any suitable and durable material. The fence or wall shall be designed so that a four (4) and one-half (1/2) diameter sphere cannot pass through any opening. The principal or accessory building may be used as part of such enclosure.

2. All above-ground swimming pools shall maintain gates at access points into the pool.

3. All gates required by this section shall have self-closing and self latching devices that keep the gate or door closed at all times when not in actual use. However, the door of any dwelling that furnishes part of the enclosure need not be so equipped.

(b) Exemption

A portable spa or hot tub with a safety cover that complies with ASTM ES13 entitled "Emergency Standard Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas, and Hot Tubs," 1989 edition, is exempt from the requirements of this section.

[\(2\) Such uses shall be required to meet the setback provisions for accessory structures indicated in Table 6.3-1.](#)

Town of Garner

Swimming pools shall be completely isolated from adjacent properties and from streets by a fence or wall having a minimum height of four feet, and a maximum height as provided above, constructed so as to prevent the passage of small children.

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A motion to close the public hearing at 7:56pm was made by Mayor Pro Tem Haiges and seconded by Commissioner Fadely and unanimously approved.

A motion to approve the text amendment reviewing the regulation regarding fencing around swimming pools pursuant to N.C.G.S Sections 160D-604 and 605, case TA23-01 is consistent with the The Town of Siler City's 2017 Land Development plan that it is consistent with facilitating growth and community development, develops a comprehensive growth strategy, and the Town of Siler City should enact policies that encourage business and employment growth, in an environmentally and socially sustainable manner that attracts and retains residents, it is consistent with text amendment objectives to amend ordinances as needed to accommodate uses or situations that arise and are not clearly covered by existing ordinances, and amends ordinances as needed to address changes in physical, social, or environmental circumstances that make existing regulations unnecessary, outdated or obsolete and modifies the development ordinances to be more user-friendly where possible, and the proposed amendment is reasonable and in the public interest because it supports the policies of the Land Development Plan and the Town's Strategic Plan because the size physical conditions, and other attributes of the proposed use will benefit surrounding community, the proposed use address the needs of the city, the proposal adapts the zoning code to reflect modern land use trends and patterns, the amendment is also in public interest because it improves consistency with the long range plan, facilitates a desired kind of development and provides need housing area. Swimming Pools: i: All swimming pools regardless of size shall be located in the rear yard, ii. In ground, above ground, and on-ground swimming pools, hot tubs, and spas that have a depth of 24 inches and over shall be enclosed by a fence or protective barrier meeting State standards, iii, In-ground, above-ground and on-ground swimming pools, hot tubs and spas that have a depth of 24 inches and over are required to having a zoning permit was made by Commissioner Fadely, seconded by Commissioner Boone and unanimously approved.

Watershed Protection Area- Special Intensity Allocation (SIA). Mark P. Ashness of the CE Group, Inc. is requesting a Special Impact Allocation assignment to four (4) parcels identified as parcel numbers 12876, 73262, 12774, and 12775, totaling 86.24 acres +/-, located in the WS, III-BW-Rocky River Watershed.

Mayor Price opened the Public Hearing for Watershed Protection Area-Special Intensity Allocation (SIA) at 8:02pm

Planning Director, Jennifer Baptiste shared the following information:

Executive Summary:

Mark P. Ashness of the CE Group, Inc. is requesting Special Impact Allocation assignment to four (4) parcels identified as parcel numbers 12876, 73262, 12774, and 12775, totaling 86.34 acres ±, located in the WS-III-BW-Rocky River Watershed.

History:

According to the Watershed Protection Ordinance initially enacted on September 28, 1993, Siler City will maintain a low to moderate land use intensity pattern within the WS-III Watershed Areas – Balance of Watershed (WS-III-BW). Single-family detached uses shall develop at a maximum of two (2) dwelling units per acre while all other residential and nonresidential development shall be allowed a maximum of twenty-four percent (24%) built upon

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area. New development and expansions to existing development may occupy ten percent (10%) of the watershed with a seventy percent (70%) built-upon area when approved as a Special Intensity Allocation (SIA).

In 2014, Siler City had 1,808.62 ± within the WS-II Watershed Areas – Balance of Watershed (WS-III-BW). Hence, ten percent of the total assignment allowed was 180.86 acres ±. The Chatham Economic Development Corporation, Taylor & McChesney Commercial Properties, and Samet Corporation requested and received a SIA of 124.16 acres ± in the same year. The only allocation made was for 21.49 acres ± to 84 Lumber. These two-allocation combined left 35.21 acres ± of SIA allocation available.

Almost all the remaining allocation was assigned in December 2020 to North Chatham Center Company. Approximately 34.97 acres was approved to assigned by the Board of Commissioners leaving 0.24 acres of Watershed unassigned.

On March 6, 2023, Siler City Board of Commissioners approved by resolution to receive 874 acres ± of allocation from Chatham County. This allowed the Town to add 87.4 acres ± of additional watershed allocation.

Town of Siler City Special Intensity Allocation (SIA):

1. Current available allocation = 0.24 acres ±
 2. Received allocation = + 87.4 acres ±
- 87.64 acres ±

Analysis:

The CE Group, represented by Mark Ashness, is requesting the assignment of additional watershed allocation on behalf of the Mid-State Annex and Chatham – Siler City Advanced Manufacturing site.

Special Intensity Allocation:

1. Mid-State Annex Parcels 12876 and 73262 totaling = 72.34 acres ±
 2. CAM site Parcels 12774 and 12775 totaling = + 14.00 acres ±
- 86.34 acres ±

If approved, this assignment will leave 1.3 acres ± of watershed allocation.

Options:

1. Approval of the Special Impact Allocation;
2. Approval of a portion of the Special Impact Allocation; or
3. Denial of the Special Impact Allocation.

1. Hunter Nichols: 309 Gallimore Dairy Rd Greensboro NC 27028- stated that allocation is needed for the CAM site development to move forward.
2. Teddy Brooks: 1112 Stockyard Rd, Staley NC 27355 was supportive of the allocation so the project can move forward.
3. Scott Harris: 5461 Carbonton Rd. Sanford, NC 27330- is a real estate agent and believes allocation must happen for the CAM site to move forward.

A motion to close the public hearing at 8:08pm was made by Commissioner Fadely and seconded by Mayor Pro Tem Haiges, and unanimously approved.

A motion to approve and to authorize the Watershed Administrator to approve Special Impact Allocation assignment to four (4) parcels identified as parcel numbers 12876, 73262, 12774, and 12775,

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totaling 86.24 acres +-, located in the WS, III-BW-Rocky River Watershed was made by Commissioner Fadely and seconded by Mayor Pro Tem Haiges and unanimously approved.

Mayor Price opened the public hearing 7:57pm for Fiscal Year 2024 Budget Public Hearing. Town Manager, Hank Raper said the proposed Fiscal Year 2023-2024 Budget for the Town of Siler City was presented to the Siler City Board of Commissioners on Monday, May 15, 2023. The Budget has been available for public inspections on the Town Website, in the Town Clerk's office in City Hall, and was advertised in the Chatham News and Record on Thursday, May 25, 2023, and on Thursday June 1, 2023.

1. Cindy Dameron 11080 US Hwy 64W Siler City NC 27344: Suggested that the Board of Commissioners take the Budget very seriously.

A motion to close the public hearing at 7:56pm in the court room was made by Commissioner Fadely and seconded by Commissioner Boone and unanimously approved.

A Motion to remove Stormwater Utility on Page 18 of 19 of Town of Siler City Proposed Fee Schedule for the Fiscal Year 2023/2024 Fee Schedule was made by Commissioner Brown, seconded by Commissioner Boone and unanimously approved.

OLD BUSINESS

Charter Amendment- Mayor's Term Resolution and Ordinance

Town Attorney, William Morgan explained the Resolution Calling for a referendum for the Purpose of the Charter Amendment Question of the Mayor's Term a the Regular Election to be held on November 7, 2023, and an ordinance amending the charter of the Town of Siler City to Increase the Mayor's Term from a Two Year Term to a Four Year term if approved by the qualified voters of the Town of Siler City at the regular election on November 7, 2023 and a public notice to all qualified voters of the Town of Siler City for the charter amendment question on the November 7, 2023 ballot for the expansion of the Term of the Mayor.

A motion to approve a resolution Calling for a referendum for the Purpose of the Charter Amendment Question of the Mayor's Term a the Regular Election to be held on November 7, 2023, and an ordinance amending the charter of the Town of Siler City to Increase the Mayor's Term from a Two Year Term to a Four Year term if approved by the qualified voters of the Town of Siler City at the regular election on November 7, 2023 and a public notice to all qualified voters of the Town of Siler City for the charter amendment question on the November 7, 2023 ballot for the expansion of the Term of the Mayor was made by Commissioner Brown, seconded by Commissioner Boone and unanimously approved.

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NEW BUSINESS

MANAGER'S REPORT

TOWN ATTORNEY INFORMATION

NONE

GOVERNING BODY COMMENTS

NONE

CLOSED SESSION

A motion to go into Closed Session § 143-318.11. to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session at 8:19pm was made by Commissioner Fadely, seconded by Commissioner Boone and unanimously approved.

A motion to come out of closed session was made by Mayor Pro Tem Haiges, at 8:37pm seconded by Commissioner Boone, and unanimously approved.

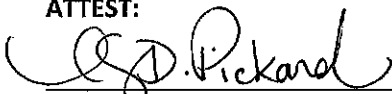
ADJOURNMENT

With no further business the Board of Commissioners adjourned at 8:39pm.



Thomas K. Price, III, Mayor

ATTEST:



Kimberly D Pickard, Town Clerk

