

TOWN OF SILER CITY

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

Two Interpreters were available for Spanish Interpretation at the meeting and no one signed up for the service.

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

ELECTED TOWN OFFICIALS ABSENT: Cindy Bray and Bill Haiges

TOWN STAFF PRESENT: Interim Town Manager Roy Lynch, Attorney William Morgan, Planning Director Jack Meadows, Human Resources Director Nancy Darden, Police Chief Mike Wagner, and Town Clerk Jenifer Johnson.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

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

CONSENT

A motion to approve the consent agenda which includes June 10, 2019 Special Meeting Minutes (Incorporation by reference as if fully set forth herein Schedule A), June 15, 2019 Special Meeting Minutes (Incorporation by reference as if fully set forth herein Schedule B), June 17, 2019 Minutes (Incorporation by reference as if fully set forth herein Schedule C), June 18, 2019 Special Meeting Minutes (Incorporation by reference as if fully set forth herein Schedule D June 20, 2019 Special Meeting Minutes (Incorporation by reference as if fully set forth herein Schedule E), July 8, 2019 Special Meeting Minutes (Incorporation by reference as if fully set forth herein Schedule F) was made by Commissioner Fadely, seconded by Commissioner Siler and unanimously approved.

PUBLIC COMMENT

none

PRESENTATIONS

Downtown Parking Study

Jack Meadows stated as part of its Fiscal Year 2019 Planning Work Program, the Triangle Area Rural Planning Organization conducted this assessment of parking for the downtown area of Siler City, North Carolina. The report includes an inventory of public parking, ADA compliance guidelines, potential opportunities, design standards, procedural recommendations, and recommended action steps. The report has been reviewed by Downtown Advisory Committee. Matt Day with NC DOT presented the report. (Incorporation by reference as if fully set forth herein Schedule H) The Board of Commissioners thanked Day.

Dixon Hughes 2017-2018 Audit Report

Lynch introduced Chad Cook with Dixon Hughes. Hughes shared the 2017-2018 Town of Siler City Audit Report, Management Letter and Financial Summary. (Incorporation by reference as if fully set forth herein Schedule I) The Board of Commissioners thanked Cook.

PUBLIC HEARING

Town of Siler City proposes text amendments to §104 Penalties and Remedies for Violations (no longer requiring return receipt requested) of the UDO

Mayor Grimes opened the public hearing for the Town of Siler City proposes text amendments to §104 Penalties and Remedies for Violations (no longer requiring return receipt requested) of the UDO at 7:37pm. (Incorporation by reference as if fully set forth herein Schedule J)

Meadows stated that the Town of Siler City proposed text amendments to §104 Penalties and Remedies for Violations (no longer requiring return receipt requested) of the UDO.

Meadows shared the following documents:

1. draft ordinance amending Article 7
2. final ordinance amending Article 7
3. Certified Mail Receipt
4. Domestic Return Receipt
5. NCGS 160A (193, 439, 445)
6. Town Code Sec. 11-34
7. worksheet

Meadows stated that the proposed amendments were discussed during a conversation with the Town's Code Enforcement contractor. Town staff prepared the proposed amendments and shared with the Planning Board at the June 2019 meeting. The Planning Board initiated the proposed amendments.

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 July 8, 2019 meeting:

The amendments are approved and consistent with the adopted LDP and any other officially adopted plan because the LDP 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.

Mayor Grimes closed the public hearing at 7:51pm.

A motion that the Town of Siler City proposes text amendments to §104 Penalties and Remedies for Violations (no longer requiring return receipt requested) of the UDO is approved and consistent with the adopted land development plan and any other officially adopted plan because the land development plan recommends because amending ordinances as needed to accommodate users 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, or obsolete and the action taken is reasonable in the public interest because modifying the development ordinances to be more user-friendly where possible and it's in the general welfare of the citizens of Siler City was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.

OLD BUSINESS

On Premises Malt Beverage and Unfortified Wine Sales Resolution Proposed by the Downtown Advisory Committee

Lynch stated at the Monday, June 17, 2019 Board of Commissioners meeting, Tim Booras with the Downtown Advisory Committee presented the following recommendation (Incorporation by reference as if fully set forth herein Schedule K):

The Siler City Downtown Advisory Committee met in June of this year to further discuss the group's progress towards its various goals. The primary goal of the committee is to further the economic growth and cultural development of the Downtown Siler City; with a further aim of bringing the same type of growth to the greater Siler City community.

In furtherance of this aim, the advisory committee has discussed the economic impact that more fiscally favorable alcohol regulations would enable. Allowing the sale of malt beverages and table wine on-premises in breweries, brewpubs, tap rooms and wedding/special event venues will bring opportunity for countless new business and the expansion of existing business. We believe this is significant, and a necessary first step to bringing Siler City into its next phase of progress.

Current regulations are hindering access to a large and still-growing economic powerhouse – the Craft Beer Industry. In North Carolina today there are three hundred and twelve breweries, and of these; two hundred and ninety are local, small business owned by folks in small towns and neighborhoods. They are bringing jobs, community event spaces, and tourism opportunities to their communities by engaging on Main Street. This engagement drives growth and the numbers are impossible to ignore.

The annual economic impact of Craft Beer on North Carolina was \$2 Billion. Siler City needs and deserves a piece of that pie. The citizens we represent will be the direct beneficiaries of our decision; and to honor our commitment to them we respectfully request that the Town Board adopt a resolution to call for an election on the proposed change.

Town Attorney William Morgan stated if the Board of Commissioners would like to consider the request, the Board would need to adopt of a resolution requesting the Chatham County Board of Elections to hold an election with two ballot measures on it, one for on-premises malt beverage sales and the other for unfortified wine sales. If the resolution is adopted by the Board then it would be signed like any other Resolution and forwarded to the Board of Elections. The Board of Elections has informed us that

to be placed on the November 2019 election it must be received by July 19, 2019. Attorney Morgan shared a resolution with the Board of Commissioners.

A motion to approve the resolution for On Premises Sale of Malt Beverages and Unfortified Wine and send the resolution to the Chatham County Board of Elections was made by Commissioner Fadely, seconded by Commissioner Constantino and unanimously approved.

NEW BUSINESS

Request Street Closing – Brookwood Avenue/Drive

Meadows stated that Brookwood Farms, Inc. retained W. Ben Atwater, Jr. to petition the Town of Siler City to close Brookwood Avenue/Drive pursuant to NC Gen. Stat. §160A-299. The subject street is adjacent to property owned by Brookwood Farms at 1015 and 909 Alston Bridge Road. (Incorporation by reference as if fully set forth herein Schedule M)

Meadows stated that §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;
7. Submitting resolution to NCDOT;
8. NCDOT Board of Transportation abandon maintenance;
9. Recording the order in the Office of the Register of Deeds; and
10. Record new plat, deed, and easements.

Meadows shared the following documents:

1. Letter from W. Ben Atwater Jr. (April 12, 2019)
2. Aerial Photos
3. Plat Book: 11-21, 23-59, 96-455
4. Deed Book 1834, Page 100
5. Deed Book 2053, Page 146
6. Brookwood Farms expansion project sketch
7. Resolution of Intent to close Brookwood Avenue/Drive

Meadows notes:

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 Town water line may be located within the right-of-way of Brookwood Avenue/Drive

A motion to approve the resolution to close Brookwood Avenue/Drive pursuant to NC Gen. Stat. §160A-299 was made by Commissioner Fadely, seconded by Mayor Pro Tem Cheek and unanimously approved.

Code of Ordinance Section 11-34 – Penalty Discussion

Meadows stated that the proposed amendments were discussed during a conversation with the Town's Code Enforcement contractor. Town staff prepared the proposed amendments and shared with the Planning Board at the June 2019 meeting. The Planning Board initiated the proposed amendments. (Incorporation by reference as if fully set forth herein Schedule L)

Meadows shared the following documents:

1. draft ordinance amending Sec. 11-34
2. final ordinance amending Sec. 11-34
3. Certified Mail Receipt
4. Domestic Return Receipt
5. NCGS 14-4
6. NCGS 160A (193, 439, 445)

A motion to approve the amendments to the Town of Siler City Code of Ordinance Section 11-34 – Penalty was made by Commissioner Fadely, seconded by Commissioner Siler and unanimously approved.

MANAGER'S REPORT

Interim Town Manager Roy Lynch updated the Board of Commissioners on the following items:
Library will be closed for the renovation project from July 26 through August 23.
Interpretation Services

TOWN ATTORNEY INFORMATION

none

GOVERNING BODY COMMENTS

Triangle J Council of Governments Regional Summit – Commissioner Haiges

Commissioner Haiges shared the flyer for the TJCOG Regional Summit in the packet. (Incorporation by reference as if fully set forth herein Schedule N)

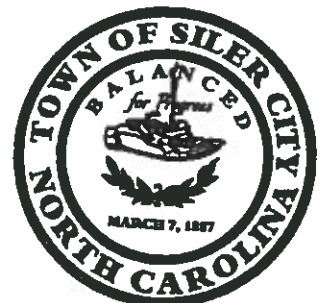
ADJOURNMENT

With no further business the Board of Commissioners adjourned at 8:13pm.


John F Grimes, Mayor

ATTEST


Jenifer K Johnson, Town Clerk



Prepared by: Jenifer K Johnson, Town Clerk