

TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on Monday, September 16, 2019 at 7:00pm in City Hall Courtroom with Mayor Grimes presiding. Mayor Grimes gave the invocation with the recitation of the Pledge of Allegiance following. Commissioner Haiges recited the Town of Siler City Mission Statement and Commissioner Price 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, Bill Haiges, Thomas "Chip" Price, and Tony Siler

ELECTED TOWN OFFICIALS ABSENT: Cindy Bray

TOWN STAFF PRESENT: Town Manager Roy Lynch, Attorney William Morgan, Planning Director Jack Meadows, Police Major James Underwood, Public Works Director Chris McCorquodale, and Town Clerk Jenifer Johnson.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Lynch requested the addition of Harris Auction Street Closure Request for 10/16/2019 to 10/19/2019 to consent.

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

CONSENT

A motion to approve the consent agenda which includes, September 3, 2019 Minutes (Incorporation by reference as if fully set forth herein Schedule A), Harris Auction Street Closure Request for 10/16/2019 to 10/19/2019 (Incorporation by reference as if fully set forth herein Schedule G) was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.

PUBLIC COMMENT

Anita Wright, 727 West Dolphin Street, Siler City, NC 27344

I have been a resident of the Chicago area most of my life. My children's father whom I divorced had come here to live about nine years ago now. My son is with a young lady whose family has a lot of cancer in her family. So, we moved to Siler City to help her out. In coming here, I found some things out that's not very good. In that area that I'm living in, has a lot of single females in their thirties. Most of them have four, five or six kids. Its not healthy in the housing situation. There's a Mexican family that lives next door and their getting roaches through the electrical sockets. The building isn't being properly maintained. When females are alone, its just a bad situation. About four months ago across the street from me was a huge drug bust there. My son was staying a couple of doors down and I just wanted to move immediately. I'm from Chicago and all the problems we have in Chicago and I can just see this as a problem. And there's another housing complex that is allowing women to break the leases by allowing people to stay extra days, kids and animals and none of this is being regulated by the housing community that's giving a lease to stay there. I just want to make you all aware of this and when you

have animals in the house, and they have to have rabies shots or there's unpaved areas of the driveway. People are just coming, and kids don't understand these things and these things are going to be a big problem for Siler City. That's pretty much my comment. I guess I got my point across to you.

PRESENTATIONS

Mark Reif – Mountaire Farms – Siler City Rock the Block Event

Reif shared an event where Mountaire employees will help neighbors in the Westmont neighborhood. (Incorporation by reference as if fully set forth herein Schedule B)

PUBLIC HEARING

Kenneth M. Lommel proposes to rezone ~0.281 acre from Office-Institutional (O-I) to Highway-Commercial (H-C). The subject property is located at 517 N. 2nd Ave. and is identified as parcel # 15322.

Mayor Grimes opened the public hearing for Kenneth M. Lommel proposes to rezone ~0.281 acre from Office-Institutional (O-I) to Highway-Commercial (H-C), the subject property is located at 517 N. 2nd Avenue and is identified as parcel # 15322 at 7:12pm. (Incorporation by reference as if fully set forth herein Schedule C)

Meadows stated that the subject property is:

1. owned by Kenneth M. & Jo-Ann Lommel
2. located inside the Town's Corporate Limits
3. located within the Loves Creek Watershed

Meadows shared the size of the tract:

1. Subject tract is ~0.281 acre and includes 1 property owner and 1 tax parcel
2. Size of surrounding tracts: an average of 0.84 acre

Meadows shared the compatibility with the existing Comprehensive Land Development Plan: Mixed use for the subject property.

1. Mixed use 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. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
 - d. Encourage the continued commercial, retail, service, and office development of the central business district, as well as encouraging compatible residential uses.
 - e. Improve the appearance of properties.
 - f. Limit the proliferation of single-purpose highway-oriented commercial areas and encourage mixed-use development.
 - g. Allow redevelopment of single-purpose commercial sites into mixed-use sites over time.
 - h. Promote downtown Siler City as an active, attractive community that accommodates multiple uses such as the arts, small businesses, and residential.
 - i. Encourage the development of affordable housing.
 - j. Encourage close proximity of higher-density residential uses to mixed-use areas and compatible industrial areas.
 - k. Encourage efficient use of transportation networks.

- l. Urban development densities should be restricted to areas in which sufficient water and sewer service is available.
- m. Continue to promote a variety of housing types to meet the demand of citizens from various economic levels.
- n. Preserve the existing housing stock by vigorously enforcing the minimum housing code and providing financial assistance to rehabilitate and stabilize deteriorating housing.
- o. Require that as a condition of receiving public water and/or sewer service, all new developments be incorporated into the Town limits.
- p. Promote cluster development with usable open space and amenities.
- q. Preserve the general character and intensity of the central business district.
- r. Ensure quality aesthetics in developments through appropriate landscaping, lighting, parking, and signage standards.
- s. Encourage planned developments.
- t. Develop driveway regulations to require access from service drives, prevent multiple driveways on a single lot, and control the spacing of driveways.
- u. 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.
- v. Preserve the sites best suited for office and industrial development by identifying such areas and excluding non-supportive uses from those sites.
- w. Designate areas of the Town’s planning jurisdiction as growth areas and give priority to utility extensions in those areas.
- x. Expand the greenway system of trails for bicyclists and pedestrians, and the Town’s sidewalk network, in accordance with the Town’s Pedestrian Plan.
- y. Explore the option of allowing developer fees-in-lieu for park facilities and other public facilities.
- z. Support development of public and private improvements in Central Business District in accordance with the Town’s Downtown Master Plan.
- aa. Develop a planting plan for street trees along public rights-of-way.
- bb. Modify the development ordinances to be more user friendly where possible.
- cc. Develop policies to encourage maintenance of structures.
- dd. Develop policies to promote mixed-use development and redevelopment of commercial areas, including integrated residential uses.
- ee. Implement recommendations from the Town’s 2016 Natural Resource and Conservation Study.
- ff. Develop flexible zoning standards that accommodate mixed uses in the CBD, which will assist in the adaptive reuse of buildings.

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
N. 2 nd Ave.	~72	4	State	35	8,200 (2016)
E. 6 th St.	~167	2	Town	35	NA

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

Zoning District	H-C	O-I
Minimum lot size (square feet)	0	7,000
Recommended Minimum lot width	100	70

Front/street building setback	10	25
Side/rear building setback	0	10
Height limitation	60	35

Meadows started that the H-C (highway-commercial) district is designed to accommodate the widest range of commercial activities including businesses that primarily draw from and provide services to major thoroughfares. The O-I (office-institutional) district is designed to accommodate a mixture of residential uses and uses that fall primarily within the 18.0 classification in the Table of Permissible Uses. It is intended that this zoning classification be applied primarily in areas that no longer are viable as single-family residential areas because of high traffic volumes on adjacent streets or because of other market factors but remain viable as locations for multi-family residential developments or offices. Such areas will also generally constitute transition or buffer zones between major arterial or more intensively developed commercial areas and residential districts.

Meadows noted that the Board of Commissioners 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 chiropractor office
2. Surrounding land uses include; vacant commercial, single family residential, multifamily residential, gas sales
3. Surrounded by B-1, H-C, & O-I zoning

Meadows shared the Planning Board recommendations from the September 9, 2019 meeting:

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

1. Mixed use for the subject property.
2. Encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks.
3. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
4. Encourage the continued commercial, retail, service, and office development of the central business district, as well as encouraging compatible residential uses.
5. Urban development densities should be restricted to areas in which sufficient water and sewer service is available.

Mayor Grimes closed the public hearing at 7:18pm.

A motion that the map amendment for Kenneth M. Lommel proposes to rezone ~0.281 acre from Office-Institutional (O-I) to Highway-Commercial (H-C), the subject property is located at 517 N. 2nd Avenue and is identified as parcel # 15322 is approved and consistent with the adopted land development plan and any other officially adopted plan because the land development plan recommends encouraging development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks and the action taken is reasonable and in the public interest because encourage attractive commercial development in appropriate locations suitable for commercial purposes was made by Commissioner Haiges, seconded by Commissioner Siler and unanimously approved.

Jeff Lineberry proposes to rezone ~ 0.19 acres from Highway-Commercial (H-C) to Neighborhood-Business (B-1). The subject property is located at 319 E. 3rd St. and is identified as parcel # 15385.

Mayor Grimes opened the public hearing for Jeff Lineberry proposes to rezone ~ 0.19 acres from Highway-Commercial (H-C) to Neighborhood-Business (B-1), the subject property is located at 319 E. 3rd St. and is identified as parcel # 15385 at 7:19pm. (Incorporation by reference as if fully set forth herein Schedule D)

Meadows stated that the subject property is:

1. owned by Heidi H. & Jeffrey S. Lineberry
2. located inside the Town's Corporate Limits
3. located within the Loves Creek Watershed

Meadows shared the size of the tract

1. Subject tract is ~0.19 acre and includes 1 property owner and 1 tax parcel
2. Size of surrounding tracts: an average of 0.39 acre

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

1. Mixed use for the subject property.
2. Mixed use 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. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
 - d. Encourage the continued commercial, retail, service, and office development of the central business district, as well as encouraging compatible residential uses.
 - e. Improve the appearance of properties.
 - f. Limit the proliferation of single-purpose highway-oriented commercial areas and encourage mixed-use development.
 - g. Allow redevelopment of single-purpose commercial sites into mixed-use sites over time.
 - h. Promote downtown Siler City as an active, attractive community that accommodates multiple uses such as the arts, small businesses, and residential.
 - i. Encourage the development of affordable housing.
 - j. Encourage close proximity of higher-density residential uses to mixed-use areas and compatible industrial areas.
 - k. Encourage efficient use of transportation networks.

- l. Urban development densities should be restricted to areas in which sufficient water and sewer service is available.
- m. Continue to promote a variety of housing types to meet the demand of citizens from various economic levels.
- n. Preserve the existing housing stock by vigorously enforcing the minimum housing code and providing financial assistance to rehabilitate and stabilize deteriorating housing.
- o. Require that as a condition of receiving public water and/or sewer service, all new developments be incorporated into the Town limits.
- p. Promote cluster development with usable open space and amenities.
- q. Preserve the general character and intensity of the central business district.
- r. Ensure quality aesthetics in developments through appropriate landscaping, lighting, parking, and signage standards.
- s. Encourage planned developments.
- t. Develop driveway regulations to require access from service drives, prevent multiple driveways on a single lot, and control the spacing of driveways.
- u. 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.
- v. Preserve the sites best suited for office and industrial development by identifying such areas and excluding non-supportive uses from those sites.
- w. Designate areas of the Town's planning jurisdiction as growth areas and give priority to utility extensions in those areas.
- x. Expand the greenway system of trails for bicyclists and pedestrians, and the Town's sidewalk network, in accordance with the Town's Pedestrian Plan.
- y. Explore the option of allowing developer fees-in-lieu for park facilities and other public facilities.
- z. Support development of public and private improvements in Central Business District in accordance with the Town's Downtown Master Plan.
- aa. Develop a planting plan for street trees along public rights-of-way.
- bb. Modify the development ordinances to be more user friendly where possible.
- cc. Develop policies to encourage maintenance of structures.
- dd. Develop policies to promote mixed-use development and redevelopment of commercial areas, including integrated residential uses.
- ee. Implement recommendations from the Town's 2016 Natural Resource and Conservation Study.
- ff. Develop flexible zoning standards that accommodate mixed uses in the CBD, which will assist in the adaptive reuse of buildings.

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
E. 3 rd St.	~77	2	State	35	4,400 (2017)
N. 4 th Ave.	~104	2	Town	35	NA

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

Zoning District	H-C	B-1
Minimum lot size (square feet)	0	5,000
Recommended Minimum lot width	100	50

Front/street building setback	10	20
Side/rear building setback	0	5
Height limitation	60	35

Meadows stated that the H-C (highway-commercial) district is designed to accommodate the widest range of commercial activities including businesses that primarily draw from and provide services to major thoroughfares. The B-1 (neighborhood-business) district is established to provide convenient retail areas in close proximity to residential neighborhoods. No industry, industrial, or wholesale business shall be allowed.

Meadows noted that 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
2. Surrounding land uses include; restaurant, single family residential, office, services, parking
3. Surrounded by B-1 & H-C zoning

Meadows shared the Planning Board recommendations from the September 9, 2019 meeting:

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

1. Mixed use for the subject property.
2. Encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks.
3. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
4. Encourage the continued commercial, retail, service, and office development of the central business district, as well as encouraging compatible residential uses.
5. Limit the proliferation of single-purpose highway-oriented commercial areas and encourage mixed-use development.
6. Allow redevelopment of single-purpose commercial sites into mixed-use sites over time.
7. Encourage the development of affordable housing.
8. Urban development densities should be restricted to areas in which sufficient water and sewer service is available.
9. Continue to promote a variety of housing types to meet the demand of citizens from various economic levels.
10. Preserve the existing housing stock by vigorously enforcing the minimum housing code and providing financial assistance to rehabilitate and stabilize deteriorating housing.

Mayor Grimes closed the public hearing at 7:24pm.

A motion that the map amendment for Jeff Lineberry proposes to rezone ~ 0.19 acres from Highway-Commercial (H-C) to Neighborhood-Business (B-1), the subject property is located at 319 E. 3rd St. and is identified as parcel # 15385 is approved and consistent with the adopted land development plan and any other officially adopted plan because the land development plan recommends encourage

development to encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks, encourage the continued commercial, retail, service, and office development of the central business district, as well as encouraging compatible residential uses, limit the proliferation of single-purpose highway-oriented commercial areas and encourage mixed-use development, allow redevelopment of single-purpose commercial sites into mixed-use sites over time and the action taken is reasonable and in the public interest because continuing to promote a variety of housing types to meet the demand of citizens from various economic levels and preserving the existing housing stock by vigorously enforcing the minimum housing code and providing financial assistance to rehabilitate and stabilize deteriorating housing was made by Commissioner Fadely, seconded by Mayor Pro Tem Cheek and unanimously approved.

Town of Siler City proposes text amendments to §195 Access to Arterial Streets (sub collector, collector), §281 Parking Space Dimensions (residential garage or carport, driveways), §282 Required Widths of Parking Area Aisles and Driveways (distance between adjacent driveways) of the UDO.

Mayor Grimes opened the public hearing for Town of Siler City proposes text amendments to §195 Access to Arterial Streets (sub collector, collector), §281 Parking Space Dimensions (residential garage or carport, driveways), §282 Required Widths of Parking Area Aisles and Driveways (distance between adjacent driveways) of the UDO at 7:25pm. (Incorporation by reference as if fully set forth herein Schedule E)

Meadows shared the following documents:

1. draft ordinance amending Article 14 & 18
2. final ordinance amending Article 14 & 18
3. conceptual plan of proposed subdivision at former Chatham Hospital property
4. 3 similar subdivision plans from Wake County towns
5. Related ordinances from Wake County towns
6. NCDOT Policy on Street and Driveway Access - Pages 39, 40, 51, 52, 60, 75
7. worksheet.

Meadows stated that the proposed amendments were first discussed during a pre-development meeting with the development team proposing a subdivision at the former Chatham Hospital site. Town staff shared the discussion with the Planning Board at the July 2019 meeting. The Planning Board initiated the proposed amendments at the August 2019 meeting.

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 September 9, 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 7:45pm.

A motion that the text amendments to §195 Access to Arterial Streets (sub collector, collector), §281 Parking Space Dimensions (residential garage or carport, driveways), §282 Required Widths of Parking Area Aisles and Driveways (distance between adjacent driveways) of the Unified Development Ordinance is approved and consistent with the adopted land development plan and any other officially adopted plan because the land development plan recommends amending ordinances as needed to accommodate uses or situations that arise and are not clearly covered by existing ordinances 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 Haiges, seconded by Commissioner Fadely and unanimously approved.

OLD BUSINESS

Conditional Use Rezoning – N Dogwood Ave 7 Lot Duplex Subdivision Minor Design Modification

Meadows stated on May 19, 2008, the Town Board of Commissioners granted a conditional use rezoning (Deed Book 1405, Page 66) to rezone the property to R-6-C and to develop a seven (7) lot two-family residential (duplex) subdivision. (Incorporation by reference as if fully set forth herein Schedule F)

Meadows stated that the owner has received many years of extensions:

- Four (4) years (2008-2011) from the State of North Carolina;
- Two (2) years (2012-2013) per the UDO; and
- Five (5) years (2013-2017) from the Town Board.

Meadows stated on February 18, 2019, the Board of Commissioners approved a minor design modification (Deed Book 2038, Page 1112). The modification was to change the development from a seven (7) lot two-family (duplex) residential subdivision to a seven (7) lot single family residential subdivision and to delete all of the previous conditions listed in the approved permit (recorded in Deed Book 1405, Deed Page 66).

Meadows stated that the installation of water and sewer utilities (to discharge 2,880 gallons per day) for a maximum of 8-3 bedroom units has been completed. The developer plans to request an additional discharge (another 2,880 gallons per day) to allow for a total of 16-3 bedrooms units.

Meadows shared the developer request to change the development from a seven (7) lot single-family residential subdivision to a seven (7) lot two-family (duplex) residential subdivision and to delete all of the previous approved conditions listed in the approved permit.

A motion to approve the minor design modification for the conditional use rezoning for North Dogwood Avenue to rezone the property to R-6-C and to develop a seven lot two-family residential (duplex) subdivision and to delete all of the previous approved conditions listed in the approved permit as in Deed Book 1405 Page 65 was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

NEW BUSINESS

None

MANAGER'S REPORT

Lynch shared several events with the Board of Commissioners.

TOWN ATTORNEY INFORMATION

None

GOVERNING BODY COMMENTS

None

CLOSED SESSION

A motion to go into § 143-318.11(a)(3) Closed sessions 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 at 8:04 pm was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

A motion to come out of closed session at 8:55 pm was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.

A motion to approve Budget Amending 2020.1 for the enterprise fund for the modification of the Wastewater Treatment Plant NPDES permit was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

A motion to approve the McGill Associates engineering services contract for Wastewater Treatment Plant NPDES Permit was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

A motion to go into § 143-318.11(a)(3) Closed sessions 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 at 8:25pm was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.

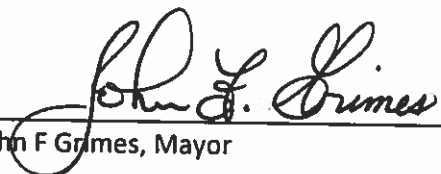
A motion to come out of closed session at 8:55pm was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.

A motion to go into c§ 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 8:56pm was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

A motion to come out of closed session at 9:05pm was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

ADJOURNMENT

With no further business the Board of Commissioners adjourned at 9:06pm.



John F Grimes, Mayor

ATTEST:


Jenifer K Johnson, Town Clerk

