

TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, September 18, 2017** at 7:00pm in City Hall Courtroom with Mayor John 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, Thomas "Chip" Price and Tony Siler.

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

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Thompson asked to add the Resolution to Develop Asset Inventory for the Town's Water and Sewer Systems under the consent agenda.

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

CONSENT

A motion to approve the consent agenda which includes the August 3, 2017 Minutes (Incorporation by reference as if fully set forth herein Schedule A), Budget Amendment 2018.3 FEMA (Incorporation by reference as if fully set forth herein Schedule B), Resolution to Develop Asset Inventory for the Town's Water and Sewer systems (Incorporation by reference as if fully set forth herein Schedule J) was made by Commissioner Fadely, seconded by Mayor Pro Tem Cheek and unanimously approved.

PUBLIC COMMENT

None

PRESENTATIONS

None

PUBLIC HEARINGS

Town of Siler City proposes text amendments to §172 Building Height Limitation (Heavy Industrial zoning district)

Mayor Grimes opened the public hearing for Town of Siler City proposes text amendments to §172 Building Height Limitation (Heavy Industrial zoning district) at 7:05pm. (Incorporation by reference as if fully set forth herein Schedule D)

Meadows shared the following documents:

1. Draft (red letter and yellow highlighted) - Article 12
2. Final Ordinance Amending - Article 12
3. Worksheet

Meadows stated that this amendment recommendation is made by Staff in consultation with the Chatham Economic Development Corporation. The proposed amendment seeks to heighten the readiness for future industrial development of the Chatham Siler City Advanced Manufacturing (CAM) Site.

Meadows shared the compatibility with Existing Comprehensive Land Development Plan:

1. Modifying the development ordinances to be more user friendly where possible.
2. Siler City has historically served as Chatham County's industrial and commercial center.
3. Siler City remains the industrial center of the county with a concentration of manufacturing employment greater than the countywide average.
4. Attract diverse industrial development that will stimulate the economy.
5. Encourage industrial development that is environmentally friendly.
6. Encourage industrial land uses that require appropriate amounts of public water for their manufacturing processing.
7. Identify adequate land for future industrial development.
8. Support existing industry.
9. Preserve the sites best suited for office and industrial development by (i) identifying such areas; (ii) placing the areas within an industrial zoning classification; and (iii) excluding all other uses (except for desired uses from the area).
10. Make the extensions of water and sewer service to identified industrial areas a top priority.
11. Require that, as a condition of receiving public water and/or sewer service, all new industrial developments be incorporated into the Town limits.
12. Encourage warehousing and assembly uses.
13. Encourage water reuse and industrial recycling for new and existing industry.
14. Develop an industrial incentive policy and program.

Meadows shared the Planning Board recommendations from the September 11, 2017 meeting:

1. The amendment is consistent with the adopted LDP and any other officially adopted plan because the LDP recommends:
 - a. Modifying the development ordinances to be more user friendly where possible.
 - b. Siler City has historically served as Chatham County's industrial and commercial center.
 - c. Siler City remains the industrial center of the county with a concentration of manufacturing employment greater than the countywide average.
 - d. Attract diverse industrial development that will stimulate the economy.
 - e. Encourage industrial development that is environmentally friendly.
 - f. Encourage industrial land uses that require appropriate amounts of public water for their manufacturing processing.
 - g. Identify adequate land for future industrial development.
 - h. Support existing industry.
 - i. Preserve the sites best suited for office and industrial development by (i) identifying such areas; (ii) placing the areas within an industrial zoning classification; and (iii) excluding all other uses (except for desired uses from the area).
 - j. Make the extensions of water and sewer service to identified industrial areas a top priority.
 - k. Require that, as a condition of receiving public water and/or sewer service, all new industrial developments be incorporated into the Town limits.
 - l. Encourage warehousing and assembly uses.
 - m. Encourage water reuse and industrial recycling for new and existing industry.
 - n. Develop an industrial incentive policy and program.
2. Approve the amendment:
 - a. Because of changed or changing conditions in a particular neighborhood or community as a whole;
 - b. To promote and forward the purposes of the adopted Siler City Land Development Plan; and

- c. To promote the general health, safety, and welfare of the citizens of Siler City.

Mayor Grimes closed the public hearing at 7:09pm.

A motion that the text amendment for the Town of Siler City proposes text amendments to §172 Building Height Limitation (Heavy Industrial zoning district) is consistent with the adopted Land Development Plan and any other officially adopted plan because modifying the development ordinances to be more user friendly where possible, encourage industrial land uses that require appropriate amounts of public water for their manufacturing processing, and to support existing industry was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

A motion that the text amendment for the Town of Siler City proposes text amendments to §172 Building Height Limitation (Heavy Industrial zoning district) is reasonable and in the public interest because the Land Development Plan recommends it and for future development was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.

A motion to approve the text amendment for Town of Siler City proposes text amendments to §172 Building Height Limitation (Heavy Industrial zoning district) to promote and forward the purposes of the adopted Siler City Land Development Plan was made by Commissioner Haiges, seconded by Commissioner Fadely.

Town of Siler City proposes text amendments to §136 Definitions (billiard & pool halls, adult gaming establishment, general gaming establishment), §147 Table of Permissible Uses (billiard & pool halls, adult gaming establishment, general gaming establishment), §156 Adult Gaming Establishment, §279 Parking Requirements (adult gaming establishment, general gaming establishment), §299 Table of Screening Requirements and Land Use Classification Table (adult gaming establishment, general gaming establishment).

Mayor Grimes opened the public hearing for a proposes text amendments to §136 Definitions (billiard & pool halls, adult gaming establishment, general gaming establishment), §147 Table of Permissible Uses (billiard & pool halls, adult gaming establishment, general gaming establishment), §156 Adult Gaming Establishment, §279 Parking Requirements (adult gaming establishment, general gaming establishment), §299 Table of Screening Requirements and Land Use Classification Table (adult gaming establishment, general gaming establishment) at 7:12pm. (Incorporation by reference as if fully set forth herein Schedule E)

Meadows shared the following documents:

1. Game table photograph
2. Moratorium Ordinance
3. Draft (red letter and yellow highlighted) - Article 10, 11, 18, & 19
4. Final Ordinance Amending - Article 10, 11, 18, & 19
5. Worksheet

Meadows stated that the proposed amendments were first discussed by the Mayor and Board of Commissioners. The Town Board adopted a moratorium ordinance on July 17, 2017. Town staff prepared the proposed amendments following a review of other communities' ordinances. The Planning Board has reviewed draft language at several regular meetings.

Meadows shared the compatibility with existing Comprehensive Land Development Plan:

1. Modifying the development ordinances to be more user friendly where possible.
2. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
3. Encourage the continued commercial, retail, services, and office development of the central business district.
4. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs.
5. Encourage the continued development of major shopping centers along major thoroughfares.
6. Preserve the general character and intensity of the central business district by excluding land uses which require large amounts of outdoor use areas, allowing residential and mixed-use developments, and permitting common and shared off-street parking.
7. Develop flexible zoning standards which accommodate the wide variety of land uses in the CBD which will assist in the adaptive reuse of buildings as well as insure quality development through landscaping, lighting, parking, and signage standards.
8. Encourage through zoning requirements, planned general commercial development rather than small, individual lot development.
9. Improve the aesthetics of general commercial areas by adopting zoning regulations governing landscaping and buffering in parking and service areas.
10. Develop specific zoning standards for those properties abutting major highway corridors which would place more stringent controls on building setback and height, vehicular access, sign size and location, and buffering of parking and service areas.

Meadows shared the Planning Board recommendations from the September 11, 2017 meeting:

1. The amendment is consistent with the adopted LDP and any other officially adopted plan because the LDP recommends:
 - a. Modifying the development ordinances to be more user friendly where possible.
 - b. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
 - c. Encourage the continued commercial, retail, services, and office development of the central business district.
 - d. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs.
 - e. Encourage the continued development of major shopping centers along major thoroughfares.
 - f. Preserve the general character and intensity of the central business district by excluding land uses which require large amounts of outdoor use areas, allowing residential and mixed-use developments, and permitting common and shared off-street parking.
 - g. Develop flexible zoning standards which accommodate the wide variety of land uses in the CBD which will assist in the adaptive reuse of buildings as well as insure quality development through landscaping, lighting, parking, and signage standards.
 - h. Encourage through zoning requirements, planned general commercial development rather than small, individual lot development.
 - i. Improve the aesthetics of general commercial areas by adopting zoning regulations governing landscaping and buffering in parking and service areas.

- j. Develop specific zoning standards for those properties abutting major highway corridors which would place more stringent controls on building setback and height, vehicular access, sign size and location, and buffering of parking and service areas.
2. Approve the amendment:
 - a. Because of changed or changing conditions in a particular neighborhood or community as a whole; and to promote the general health, safety, and welfare of the citizens of Siler City.

The Board of Commissioners discussed the proposed changes.

A motion to continue the public hearing on October 2, 2017 after staff research was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

Town of Siler City proposes text amendments to §311 Intent (zoning amendments, regulations, plan), §316 Review and Recommendations of the Planning Board (zoning amendments, plan consistency), §318 Town Board Action (zoning amendments, plan consistency, reasonable and in the public interest). Mayor Grimes opened the public hearing for Town of Siler City proposes text amendments to §311 Intent (zoning amendments, regulations, plan), §316 Review and Recommendations of the Planning Board (zoning amendments, plan consistency), §318 Town Board Action (zoning amendments, plan consistency, reasonable and in the public interest) at 7:42pm. (Incorporation by reference as if fully set forth herein Schedule F)

Meadows shared the following documents:

1. NC General Assembly Senate Bill approved May 4, 2017
2. UNC School of Government blogs
3. Draft (red letter and yellow highlighted) - Article 20
4. Draft worksheets
5. Final Ordinance Amending - Article 20
6. Worksheet

Meadows stated that the proposed amendments are required as a result of amendments to the NC General Statutes. The Planning Board reviewed the draft language during a recent regular meeting.

Meadows shared the compatibility with existing Comprehensive Land Development Plan:

1. Modifying the development ordinances to be more user friendly where possible.
2. A land development plan is not a rigid zoning ordinance, but rather a guide for elected and appointed boards in making land development and permitting decisions. It is a medium to long-range plan. Some of the strategies adopted in this plan may not be feasible for several years, while others can and should be accomplished immediately.

Meadows shared the Planning Board recommendations from the September 11, 2017 meeting:

1. The amendment is consistent with the adopted LDP and any other officially adopted plan because the LDP recommends:
 - a. Modifying the development ordinances to be more user friendly where possible.
 - b. A land development plan is not a rigid zoning ordinance, but rather a guide for elected and appointed boards in making land development and permitting decisions. It is a medium to long-range plan. Some of the strategies adopted in this plan may not be feasible for several years, while others can and should be accomplished immediately.

2. Approve the amendment:
 - a. To promote and forward the purposes of the adopted Siler City Land Development Plan; and
 - b. To promote the general health, safety, and welfare of the citizens of Siler City.

Mayor Grimes closed the public hearing at 7:46pm.

A motion that the text amendment to §311 Intent (zoning amendments, regulations, plan), §316 Review and Recommendations of the Planning Board (zoning amendments, plan consistency), §318 Town Board Action (zoning amendments, plan consistency, reasonable and in the public interest) is consistent with the adopted Land Development Plan and any other officially adopted plans because of modification by the North Carolina General Assembly was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.

A motion that the text amendment to §311 Intent (zoning amendments, regulations, plan), §316 Review and Recommendations of the Planning Board (zoning amendments, plan consistency), §318 Town Board Action (zoning amendments, plan consistency, reasonable and in the public interest) is reasonable and in the public interest because it corrects manifest error with the ordinance and to promote and forward the purposes of the adopted Land Development Plan was made by Mayor Pro Tem Haiges, seconded by Commissioner Haiges and unanimously approved.

A motion to approve the text amendment to §311 Intent (zoning amendments, regulations, plan), §316 Review and Recommendations of the Planning Board (zoning amendments, plan consistency), §318 Town Board Action (zoning amendments, plan consistency, reasonable and in the public interest) to promote and forward the purposes of the adopted Land Development Plan and to promote the general health, safety and welfare of the citizens of Siler City was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.

OLD BUSINESS

CDBG-I Water Treatment Plant Project - Engineering

Thompson stated in keeping with the requirements of the \$2.3 million Community Development Block Grant for Infrastructure (CDBG-I) grant received by the Town for making water filtration upgrades to the Town's Water Treatment Plant, the Town developed and advertised a Request for Qualifications (RFQ). The RFQ was advertised on August 24, 2017 and RFQ responses were received up to September 12, 2017. Upon opening RFQ respondent packages, the Committee, consisting of Terry Green, Public Works and Utilities Director; Jenifer Johnson, Town Clerk; and Town Manager, Bryan Thompson, conducted its review of the submitted qualifications and scored respondent packages in accordance with the predetermined criteria. (Incorporation by reference as if fully set forth herein Schedule G)

Thompson stated that the Town received two responses to its advertised RFQ, McGill Associates and LKC. According to the guidance documents provided by the Division of Water Infrastructure, two responses is "competitive".

The tabulation of all scores for the two firms submitting response is as follows:

- McGill Associates 257
- LKC 238

Thompson stated Staff recommends that the Board tentatively award McGill Associates with the opportunity to be the engineering services provider to the Town for the water filtration project at the Town's Water Treatment Plant. If provided a tentative award, Staff will enter into negotiations with McGill Associates to produce an agreement to present to the Board of Commissioners for final review and approval.

A motion to award McGill Associates as engineering service provider to the Town for the water filtration project at the Siler City Water Treatment Plan, pending the review and approval of engineering service agreement was made by Commissioner Fadely, seconded by Commissioner Siler and unanimously approved.

NEW BUSINESS

Mural Permit – 223 N Chatham Avenue – NC Arts Incubator

Meadows stated that the NC Arts Incubator is proposing to install a 9' wide by 32' tall flower mural along an exterior wall at the rear of the building at 223 N. Chatham Ave. The subject wall faces W. 3rd St. (see attached site plan and photography). (Incorporation by reference as if fully set forth herein Schedule H)

Meadows shared the definition of Mural: "An image, such as a painting or enlarged photograph, applied directly to a wall or external ceiling."

Meadows shared the §274 Special Provisions for Certain Signs:

(a) Murals

- (1) Murals are allowed with a mural permit.
- (2) Murals are purely artistic forms of expression. While basic content is free from evaluation, obscenity and other language deemed questionable may require approval.
- (3) Depending on content, murals will be evaluated for signage calculation and the remaining area can be deemed a mural. If the following content are incorporated within a mural, those items shall be classified as signage and comply with the standards for attached wall signs and be included in the attached wall sign area calculation:
 - (a) advertising message for contemporary establishments and/or contemporary merchandise/services;
 - (b) advertisement for products, services, or businesses;
 - (c) commercial text;
 - (d) logos;
 - (e) registered trademarks; and
 - (f) containing graphics (other than logos or registered trademarks) related to goods and services provided on site.

Murals are highly visible in the public realm and may express town history and community character. In the absence of a recognized group tasked to review and consider these qualities, and the artistic intent of the design, evaluation will be regulated on a content-neutral basis. The following design requirements have been determined advantageous to the community in mural placement.

- (1) No person shall paint a wall mural on the exterior of any structure or change any existing mural on the exterior of any structure prior to the issuance of a Mural permit. The following design criteria shall apply to any mural artwork commissioned.
 - (a) The proposed wall mural shall be well integrated with the building and neighboring structures and is harmonious with the surrounding environment. The proposed wall mural, by its design, scale, construction and location, shall not have a substantial adverse effect on

abutting property or the permitted use, and will contribute to Siler City unique character and quality of life.

- (b) The proposed wall mural shall exhibit exceptional design quality that enhances the overall development and appearance of Siler City. The paint and/or materials to be used and applied on the structure shall be appropriate for use in an outdoor locale for an artistic rendition and shall be of a permanent or long lasting variety.
- (2) Maintenance of the wall mural is the responsibility of the property owner. It shall be the property owner's responsibility to remove the wall mural if it is not maintained as required. While natural aging is acceptable, murals that are not maintained sufficiently may be considered a public nuisance.
- (3) A mural permit application shall be completed by the building owner or their applicants assign and submitted to the Town Planning office. Review and approval must be obtained from the committee/board designated by the Town Board. The application shall include at a minimum the intended location of the mural, size, subject matter, medium and a summary of the general color palette to be used. A visual representation shall also be included in the application.

A motion to approve the mural at 223 N Chatham Avenue was made by Commissioner Price, seconded by Mayor Pro Tem Cheek and unanimously approved.

Code of Ordinance Amendment Section 15-72 Streets closed to trucks

Thompson shared two documents with the Board of Commissioners. The first document provides Staff's proposed text amendment to the Town of Siler City Code of Ordinance. Specifically, Chapter 15 – Motor Vehicles and Traffic, Article III. – Traffic-Control Devices, Section 15-72. – Streets closed to trucks. The second document illustrates the stretch of road under consideration with this recommendation. The proposed amendment would remove South Tenth Avenue from amongst the list of streets within the Town's corporate limits closed to truck traffic. (Incorporation by reference as if fully set forth herein Schedule I)

Thompson stated that staff's research has found that this section of road was adopted into the Ordinance prior to a project that extended South Tenth Avenue to Jordan Matthews High School. This provision in the Ordinance was recently recognized by Staff when reviewing potential plans of EPC (a local plastics ejection manufacture) to expand operations. EPC presently utilizes Tenth Avenue for large truck access to the rear portions of its facilities. The planned expansion would further require continued access by way of South Tenth Avenue. As noted, in Staff's review, it was also found that this road was extended to Jordan Matthews and is now utilized by the school for truck traffic as well – primarily for the purposes of delivering food supplies to the school's cafeteria.

Police Chief Tyson; Planning and Community Development Director, Jack Meadows; Public Works and Utilities Director, Terry Green; and Town Manager, Bryan Thompson, met as a committee to explore this issue and to determine what, if any, recommendation Staff would make to the Town Board of Commissioners. After reviewing the interests of this matter, Staff recommends the Town Board of Commissioners to take action to strike South Tenth Avenue from the list of roads closed to truck traffic.

As this is a proposed amendment to the Town Code of Ordinance, and not a matter of land use, the proposed action does not require a public hearing. Therefore, the Board of Commissioners is free to discuss this matter and take action as it sees fit.

Thompson shared the Staff recommendations: Strike paragraph 7 of Section 15-72. – Streets closed to trucks as found, of Article III, Chapter 15 of the Town of Siler City Code of Ordinances, which states, "South Tenth Avenue from its intersection with East Raleigh Street moving south to its terminus."

The Board of Commissioners discussed other streets that need to be placed under the no truck section and they requested Staff to get more information about paving 10th Avenue.

A motion to strike paragraph 7 of Section 15-72. – Streets closed to trucks as found, of Article III, Chapter 15 of the Town of Siler City Code of Ordinances, which states, "South Tenth Avenue from its intersection with East Raleigh Street moving south to its terminus", was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.

MANAGERS REPORT

None

TOWN ATTORNEY INFORMATION

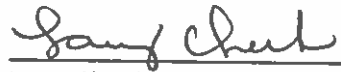
None

GOVERNING BODY COMMENTS

None

ADJOURNMENT

With no further business the Board of Commissioners adjourned at 8:08pm.



Larry Cheek, Mayor Pro Tem

ATTEST:


Jenifer K Johnson, Town Clerk