

TOWN OF SILER CITY

The Siler City Town Board of Commissioners met in regular session on Monday, July 16, 2012 at 7:00 p.m. in the City Hall Courtroom with Mayor ProTem John Grimes presiding. Commissioner Adams gave the invocation after the recitation of the Pledge of Allegiance. A motion to approve the minutes from the June 18, 2012 meeting was made by Commissioner Adams, seconded by Commissioner Price and unanimously carried.

COMMISSIONERS PRESENT: Sam Adams, Cindy Bray, Larry Cheek, Michael Constantino, John Grimes, and Thomas K. Price, III.

COMMISSIONERS ABSENT: Mayor Johnson and Commissioner Tony Siler.

TOWN STAFF PRESENT: Town Manager Joel J. Brower, Planning Director Jack Meadows, Police Chief Gary Tyson, and Town Clerk Karen Alman.

PUBLIC COMMENT SESSION: No one signed up to address the Board.

APPLICATION FOR AN AMUSEMENTS BUSINESS LICENSE: Town Manager Brower advised that Kenneth Banks is requesting a business license to operate an internet sweepstakes business at 205 Chatham Square. The required special use permit for this business was approved by the Siler City Board of Adjustment at their July 9, 2012 meeting. Once the Board receives an application, it has to wait 14 days before the license can be approved to comply with Siler City Code, Chapter 6. During this time, the Board will direct the Town Manager to investigate the proposed operator and employees of the business. Commissioner Constantino made a motion to direct Town Manager Brower to investigate Mr. Banks as the proposed operator and only employee of this internet sweepstakes business. The motion unanimously carried upon a second by Commissioner Cheek. *(Schedule 4-A)*

POTENTIAL HEALTH PROJECT – TOM GLENDINNING: Mr. Glendinning stated he lives at 160 Eddie Perry Road in Pittsboro, NC and advised he is planning to pursue the use of the old Chatham Hospital facility for a psychiatric and substance abuse treatment center to be known as Glenciff Hospital Chatham. He explained that his family has been in this type business starting with his grandfather. Glendinning stated that the old hospital has been well maintained and is in good condition. He proposes to have 50 beds, 25 for psychiatric services and 25 for substance abuse. Financing of the project will come through private investment, grants and loans. There will be 3 phases to the project with phase 1 seeing the opening of the business with low occupancy. Years 2 and 3 will hopefully yield full occupancy and full staffing. Grimes asked if the treatment center would correlate with the 12-step program with Glendinning answering he believes that is a critical part of recovery. He mentioned the main challenge in the beginning will be to obtain the Certificate of Need. He will be working to gather the support of the community. Commissioner Bray asked Glendinning if he thought the 50 employees mentioned in the proposal could increase? He pointed out that 50 would be the minimum number of employees in year 3 and would like to see outpatient services offered which would increase staff. Mr. Glendinning asked the Board if they would consider a letter of support for the Certificate of Need. Because the Certificate of Need would come prior to the request for a conditional use permit, Town Attorney Morgan advised against this. Commissioner Adams suggested getting letters from the Chamber of Commerce, Economic Development Corporation, Merchants Association, etc. *(Schedule 4-B)*

RESOLUTION TO WITHDRAW FROM DEDICATION A PORTION OF LINCOLN AVENUE: Joshua Lee, attorney for Juan Dominguez Zagada and his wife, Maria Garcia advised his clients are requesting closure of the portion of North Sixth Avenue which is adjacent to their property located at 811 13th Street. North Sixth Avenue was formerly known as Lincoln Avenue. Lee stated that his clients are petitioning the Town Board for a resolution declaring that this portion of North Sixth Avenue is not a part of the Town's Thoroughfare Plan pursuant to N.C.G.S. § 136-96 and has not been used for any public purpose in the previous 15 years. He advised his clients are interested in improving this area of the neighborhood by possibly placing a fence and maintaining this property. Notices were sent out to all adjoining landowners stating that Rosa Sutton and her attorney were present, but that they had no opposition to the Town executing the resolution that this is not part of the Town's Thoroughfare Plan. Commissioner Cheek stated that he was of the understanding that Zagada and Garcia would gain 15 feet to their property and that Ms. Sutton, through her attorney, could also gain 15 feet with Lee responding that was correct. Commissioner Adams moved to approve the Resolution to Withdraw from Dedication a Portion of North Sixth Avenue f/k/a Lincoln Avenue. Upon a second by Commissioner Cheek, the motion unanimously carried. *(Schedule 4-C)*

ENGINEERING DESIGN SERVICES ON LOVES CREEK GREENWAY PROJECT: Town Manager Brower explained that Planning Director Jack Meadows has gone through a Request for Qualifications in order to select an engineering firm to provide surveying, engineering, and design work on the Loves Creek Greenway Trail. Four firms provided RFQ's with each proposal reviewed both individually and together by Town staff. A scoring matrix was created using the evaluation criteria listed in the RFQ. The firm selected is Hobbs, Upchurch & Associates who has also been pre-approved by NCDOT staff. Tom Goodwin with HUA was present to answer questions from Board members. Commissioner Adams asked if there was a cost factor involved and if HUA was the low bid? Brower advised HUA was the selected proposal with various items being evaluated; however, G.S. states that the fee schedule is not an item that can be evaluated. Hourly rates were provided on various levels of staffing with HUA being very competitive with the other firms. Commissioner Adams asked if the Board would have the ability to address the cost at a later date with Brower responding no. Adams then asked if the \$137,129.72 was a not-to-exceed amount with Goodwin answering no. Goodwin explained that HUA was selected based off qualifications and the quoted fee is a lump sum fee for the scope of services that are in the proposal. As they get into the project, there may be other items to be added, especially regarding wetlands, that require them to come back for Board approval. Any change will require a change order that will require approval from the Town and NCDOT. He reminded the Board that these are federal highway funds that are being administered by NCDOT. Meadows pointed out that the total funding from NCDOT is \$1.2 million. Federal authorization for the preliminary engineering on this project has been approved in the amount of \$250,000. With the bid of \$137,129.72, there is still almost \$113,000 left in this phase in case of unexpected items. In response to a question from Commissioner Constantino, Goodwin stated that the engineering design services carries the greenway project through the bidding process and once bids come in for the construction process and HUA makes a recommendation, the NCDOT will go through the same process requesting RFQ's for construction engineering and inspection firm and the NCDOT will make a selection based from qualifications along with Town Board concurrence. Commissioner Price asked how soon drawings will be available for the Town Board to review? Goodwin answered that if the Board approves HUA for engineering design services, he has

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already scheduled a conference call with Meadows to get the project started beginning with letters sent to property owners advising them of the project. He hopes to have surveyors and wetland consultants on property within the next week. There will be a conditional use process which requires public hearings. In accordance with the contract, Goodwin stated the project should be ready to advertise for the construction project by the end of the year. A motion to approve Hobbs Upchurch and Associates for the engineering design services on the Loves Creek Greenway project was made by Commissioner Adams, seconded by Commissioner Cheek and unanimously carried. *(Schedule 4-D)*

NATIONAL NIGHT OUT RESOLUTION: Chief Tyson announced the 5th Annual National Night Out celebration in Siler City will be held on Tuesday, August 7th. The entire Town is covered with 11 sites hosting NNO events. Dwayne Hall and the Camera Club will be at each event taking pictures, WNCA will be present at various sites, Chatham News reporters will be gathering information, fire trucks at various sites and the entire Police Department will be visiting in various neighborhoods. This will allow citizens to communicate and get to know the officers better and bring communities together. Chief Tyson and the Police Department will be "rolling out the red carpet" for the coordinators of this event on Thursday, July 26th to let them know they are appreciated for hosting events in their neighborhoods. Supplies will also be given out that night which have been provided through the Town. He invited all Board members to attend as many NNO sites as possible. Town Manager Brower and Board members thanked Chief Tyson for all the hard work he does behind the scene to make this event possible. Commissioner Bray made a motion to approve the National Night Out Resolution 2012, seconded by Commissioner Price and unanimously carried. *(Schedule 4-E)*

2012 NCDOT BICYCLE & PEDESTRIAN PLANNING GRANT AWARD: Brower pointed out the NCDOT Bicycle and Pedestrian Transportation Division has sent official notification of the planning grant award to the Town in the amount of \$24,800.00. The proposed project to develop the plan totals \$31,000. NCDOT covers 80% of the project with \$3,100 of the \$6,200 remaining cost covered by NC STEP monies and the other \$3,100 covered through the Town. Meadows advised a pedestrian planning committee would be selected by the Town Board in the future. Mayor ProTem Grimes asked if anyone has considered contacting bicycle manufacturers to ask if they are interested in making a donation for this project and giving their company advertisement. Meadows clarified that even though the letter from NCDOT states bicycle and pedestrian planning grant award, that the Siler City project is only pedestrian.

WATER LEVEL INFORMATION: Brower reported the Town's reservoirs are holding their own with 80% capacity remaining.

AIRPORT OPEN HOUSE: Brower reported on the successful open house at the Siler City Airport on Saturday, July 14th. FBO Operator Karen McCraw, Airport Authority members and other volunteers worked hard to prepare for this event. McCraw prepared a memo highlighting the events of the day which included UNC "Tarheel One" helicopter, officers from the U.S. Forest Service, introductory flights to children between the ages of 7-17 provided by Young Eagles, and aerobatic planes. As McCraw pointed out, the open house is a good way to "show off the great asset" of the airport. Airport Authority member Barry Hayes was in the audience and commented that he believes there were over 200 people at the event. He also stated that it was a "clean crowd" as there was minimum cleanup required after the open house. Commissioner Cheek commended those involved in making this event possible and stated he feels it was even better than last year. He would like to see this event continue to allow people to come and see what an asset the airport is to Siler City and Chatham County. Cheek also wants to see support continued for the airport as it is a big asset regarding economic development. Commissioner Price thanked the Airport Authority as well and commented on how the young people at his church that attended the open house were so excited and what a positive impression it made on them.

NC ARMY NATIONAL GUARD DEPLOYMENT CEREMONY: Commissioners Cheek and Adams attended this deployment ceremony in honor of the 112th Finance Management Detachment who is being deployed for a tour of duty in Bosnia. Cheek commented it was a very touching ceremony.

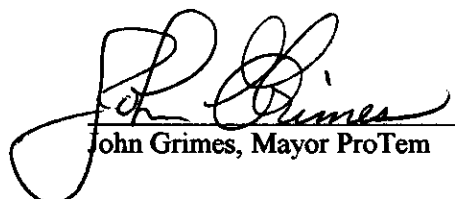
CAPE FEAR SHINER COOPERATIVE AUGMENTATION PROPOSAL 2012: This proposal is an effort by the "NC Wildlife Resources Commission in cooperation with the U.S. Fish and Wildlife Service to develop an augmentation plan for the endangered Cape Fear shiner in the fish's pre-existing critical habitat in the Rocky River". Commissioner Adams asked Brower to remind these groups that the Town spent over \$1.0 million to help tear down this dam and their brochure is still showing it. He also stated, "this dam released hundreds if not millions of Cape Fear shiners" down to where they are suggesting an augmented site. Brower advised he and Mayor Johnson reminded them of this when they met with officials. Adams pointed out that in reading this material, he feels this is an experiment and "hates to think what would happen if a shiner dies in our part of the river". He wants this put on record for the Town's defense. Brower stated that once the shiners are released no one knows where they will migrate. He made the comment that it is positive that the shiner survives; however, as Town Manager the shiner has created delays and costs to the citizens of the Town that they continue to pay today. His concern is that if the shiner is located closer to Siler City with this project than it was before, if this would somehow create additional problems. Adams made the comment that if the shiner is not even located in the "Town's water", how can they continue to use their critical habit against us? He again asked that this information be included in the water archives stating that to him the information "argues in our favor and is an experiment".

TENNIS COURTS AT BOLING LANE PARK: Commissioner Bray reported the tennis court at Boling Lane Park is in need of repair. She asked Brower to look at areas that need repair to see if anything can be done understanding that the court could not be replaced due to budget constraints.

With no further business, the meeting adjourned at 8:00 p.m.

ATTEST:


Karen C. Alman, Town Clerk


John Grimes, Mayor ProTem