

TOWN OF SILER CITY

The Siler City Town Board of Commissioners met in regular session on **Monday, March 5, 2012** at 7:00 p.m. in the City Hall Courtroom with Mayor Charles Johnson presiding. The invocation was given by Mayor Johnson after the recitation of the Pledge of Allegiance. A motion to approve the minutes from the February 20, 2012 workshop meeting was made by Mayor ProTem Grimes, seconded by Commissioner Adams and unanimously approved.

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

TOWN STAFF PRESENT: Town Manager Joel J. Brower, Town Attorney William Morgan, Planning Director Jack Meadows, Police Chief Gary Tyson, Finance Director Tammy Speicher and Town Clerk Karen Alman.

GIRL SCOUT PROCLAMATION: Mayor Johnson read a proclamation celebrating 100 years of Girl Scouting and proclaimed March 11 – 17, 2012 as “Girl Scout Week” in Siler City. Members from Troops 1029, 1031 and 1802 were in attendance to accept the proclamation on behalf of Girl Scouts in Chatham County. (*Schedule 12-A*)

REZONING OF 1401 W. 11TH STREET FROM R-10 TO HIGHWAY COMMERCIAL: James E. Searcy is requesting to rezone 3.82 acres located at 1401 W. 11th Street in Siler City from R-10 to Highway-Commercial. Planning Director Jack Meadows pointed out the Board may consider the entire range of permitted, special and conditional uses for the proposed zoning district. He advised the Planning Board recommended approval at their meeting on February 13th. The property owner wishes to rezone to possibly help in the marketing of this property. The State Employees Credit Union will be located nearby. Mayor Johnson directed Board members to the Rezoning Worksheet. A motion to approve the Land Development Plan Consistency Statement was made by Commissioner Bray and unanimously carried upon a second by Commissioner Siler. Commissioner Cheek made a motion to approve the reasonable and in the public interest statement, seconded by Mayor ProTem Grimes and was unanimously approved. The rezoning was unanimously approved upon a motion by Mayor ProTem Grimes and a second from Commissioner Cheek because of changed or changing conditions in a particular neighborhood or community. (*Schedule 12-B*)

UDO TEXT AMENDMENT – ENLARGING NONCONFORMING SITUATIONS: Planning Director Jack Meadows advised the Siler City Planning Board proposed this text amendment to Article VIII § 114 Extension or Enlargement of Non-Conforming Situations. This proposed amendment will allow additions to nonconforming single family residential buildings if the addition does not intrude into the building setback any closer than the existing building. The proposed amendment reads as follows:

(e) Existing single-family dwellings with setbacks which were made nonconforming by the adoption of this Ordinance on August 1, 1993 are exempt from the requirements of this section if:

1. **The proposed addition or alteration will either meet the current setback requirements or will not further encroach into any required setback more than the existing structure.**
2. **The expansion into a required yard setback does not more than double the area of encroachment already existing within that required yard setback.**
3. **Any addition or alteration that encroaches into any setback shall not exceed the height of the existing structure.**
4. **Nonconforming structures housing nonconforming uses shall not be enlarged or expanded in any way.**
5. **This shall not apply to enclosing existing nonconforming decks and patios if the deck or patio is the furthest projection into the setback.**
6. **Such encroachment shall meet the North Carolina State Building Code.**

Commissioner Constantino advised he has mixed emotions about this proposed amendment stating that he does not like making continued exceptions for rules that are already in place. Mayor Johnson pointed out this will allow Meadows to make decisions instead of having to bring them to the Board of Adjustment which will simplify the process. Grimes gave an example of the elderly population and if a citizen has a porch and they wanted to add a bedroom onto the porch for a person who is disabled, he does not have a problem as long as the addition did not go beyond the setbacks when it was put in place. Meadows explained the different examples he provided in the agenda packet stating this ordinance applies only to older homes that do not meet the setbacks. Brower noted that a few situations regarding houses built prior to 1993 have arisen, especially those on corner lots. With the current setbacks, it makes it impossible for these persons to be allowed to add a sunroom, etc. because the setbacks will not allow the addition to match up with the existing structure. Commissioner Adams pointed out this amendment will help prevent these older homes from looking “piece-mealed” when adding to their homes. Commissioner Constantino asked how the neighbor of the property owner will feel about building so close to his property line stating again that when rules are made it is important to “stick by them as best you can” and pointed out there are other ways to deal with exceptions besides amending the code. The first item for consideration on the Text Amendment Worksheet was the Land Development Plan Consistency Statement which was unanimously approved upon a motion by Mayor ProTem Grimes and a second from Commissioner Siler. A motion to approve the Reasonable and in the Public Interest Statement was made by Commissioner Siler, seconded by Mayor ProTem Grimes and was unanimously approved. The UDO Text Amendment was unanimously approved upon a motion from Commissioner Adams followed by a second from Mayor ProTem Grimes for the reason to promote and follow the purposes of the adopted Siler City Land Development Plan. (*Schedule 12-C*)

UDO TEXT AMENDMENT TO TABLE 1: TABLE OF PERMISSIBLE USES: The text amendment creates a new use classification identified as 18.14 that reads “*Office or clinics of physicians or dentists with not more than 10,000 sq. ft. of gross floor area, accessory use*” and will be permitted within the Heavy-Industrial zoning district. The Siler City Planning Board recommends approval of this amendment. Commissioner Price made a motion to approve the Land Development Plan Consistency Statement, seconded by Commissioner Adams and unanimously carried. The Reasonable and in the Public Interest Statement was unanimously approved upon a motion from Commissioner Cheek and a second by Commissioner Siler. Upon a motion by Mayor ProTem Grimes and a second from Commissioner Cheek, the UDO text amendment was unanimously approved to promote the general health, safety and welfare of the citizens of Siler City. (*Schedule 12-D*)

SILER CITY ALIVE FESTIVAL 2012 COMMITTEE REQUESTS: Brower advised he has received a letter from Joey Walden, Chairperson of the Siler City Alive Festival, requesting continued support from the Town to include blocking of streets, setting up of detour route, providing trash pick-up and picnic tables. Mr. Walden advised the committee is asking to have the festival on Saturday, May 12, 2012 from 12:00 noon until 9:00 p.m. ending with a gospel singing. There will be music from varied groups as well as food vendors. He asked that the streets be blocked from 9:00 a.m. to allow for vendor setup to 10:00 p.m. giving an hour for cleanup after the event is over. In response to a question from Town Manager Brower, Walden advised they are requesting a two block area on North Chatham be blocked (from Carter Bank to E. 3rd Street). The Walden's will secure the liability insurance required by the NC Department of Transportation. Mayor ProTem Grimes asked the Town to set-out receptacles identified for recycling of plastic bottles. Commissioner Bray thanked the Walden's for their involvement in making this event possible and thought it is great for Siler City. Commissioner Adams made a motion to approve the blocking of streets, detour routes, trash pickup and cleanup and providing picnic tables by Town staff and unanimously carried upon a second by Commissioner Chip Price. *(Schedule 12-E)*

LICENSE PLATE AGENCY CONTRACT: Town Manager Brower has received the License Plate Agency Contract from Donna Boone, Administrative Officer with the Vehicle Services Section of the Department of Motor Vehicles. Town Attorney William Morgan has reviewed the contract and has given it his okay. The contract dates for the Town running the agency are April 1, 2012 to March 31, 2015. License Plate Agency staff will be traveling to Raleigh for their three-week training beginning March 12th. The projected opening date is Tuesday, April 2, 2012. Board members felt a ribbon cutting will be in order for the opening of the agency. Commissioner Adams made a motion to approve the contract and authorize Town Manager Brower to sign the agreement on behalf of the Town. Upon a second by Commissioner Cheek, the motion unanimously carried. *(Schedule 12-F)*


PRIVILEGE LICENSE ORDINANCE: Town Finance Director Tammy Speicher advised a considerable amount of time has been spent on identifying all the manufacturers stating that the challenge is estimating what their gross receipts would be. Privilege License fees for manufacturers are now capped at \$150.00 per year. Adams pointed out the retailers are wanting to see fairness across the board to include manufacturing and wholesale. In response to a question by Commissioner Price, Speicher stated that if the Board chooses to lower the rate for retailers, some of the difference can be made up through other areas. Commissioner Cheek pointed out that the retailers do not feel they have been treated fairly and by changing the rate for manufacturers there will be another group who will be upset. Commissioner Adams feels it is important that the Town notify the manufacturers and get input from them. Agreeing with Adams, Commissioner Price feels getting feedback from the manufacturers and wholesalers is important to help determine how much of an increase the Town would see and then hopefully lower the rate across the board. This information would be kept confidential. Town Manager Brower responded to a question from Commissioner Bray stating that if the Town brought in increased revenues from manufacturers, wholesale and service, this would allow the current \$.65 per thousand to be lowered. Speicher stated the Town can set whatever flat fees they want and also set exemptions. Commissioner Cheek asked that Speicher come up with a plan that includes everyone – retailers, manufacturers and wholesalers – contact them and show the Board where the rate can be lowered. He feels it is important to move forward with this matter and get it finalized. Price reiterated that the retailers feel they are carrying the load and would like to see the gap lessened. He would like to see letters sent to manufacturers and wholesalers explaining what the Town is considering and asking for feedback from them to help in making the most informed decision. Several Board members felt the letter should ask them to contact Brower or Speicher with questions or concerns in which Adams asked Brower to contact him if he does not receive feedback and he will personally visit them. The main focus is the hopes of lowering rates for retailers and increasing the cap for manufacturers and wholesalers to make for a more even privilege license ordinance and still keep the same approximate revenues for the Town. Board members thanked Speicher for the hard work she has put into the privilege license ordinance.

J-M GIRLS BASKETBALL TEAM: Mayor Johnson stated the Jordan-Matthews Basketball Team will play for the 2-A State Championship on Saturday, March 10th. The Board will recognize the team at the next Board meeting whether they win or lose.

CLOSED SESSION: At 8:19 p.m., Mayor ProTem Grimes made a motion to adjourn from regular session and convene into closed session for the purpose of economic development. The motion unanimously carried upon a second from Commissioner Siler.

The Town Board reconvened into regular session at 8:42 p.m. Commissioner Constantino advised the surveyor that performed the survey for the Chatham County Business Park was at the school he and Commissioner Price attended recently. Brower stated the County is working with the property owner to place a sign for the different businesses in the Business Park. Constantino also pointed out the importance of having signs directing persons to the Arts Incubator downtown which is a project the NC STEP Committee is addressing.

With no further business, the meeting adjourned at 8:47 p.m.


Charles K. Johnson, Mayor

ATTEST:


Karen C. Alman, Town Clerk