

TOWN OF SILER CITY

The Siler City Town Board of Commissioners met in regular session on **Monday, October 1, 2012** at 7:00 p.m. in the City Hall Courtroom with Mayor Charles Johnson presiding. After the recitation of the Pledge of Allegiance, the invocation was given by Mayor Johnnaon. A motion to approve the minutes from the September 17, 2012 regular session meeting was made by Commissioner Price, seconded by Commissioner Constantino and unanimously approved. The closed session minutes from the September 17, 2012 meeting were unanimously approved upon a motion by Commissioner Siler and second from Commissioner Constantino

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

PLANNING BOARD PRESENT: Curtis Brown, Harold Hart, Dacia Hayes, J. P. Joyner, Dan McMasters, Wallace Matthews.

PLANNING BOARD ABSENT: Mary Harris and Patty Poe.

TOWN STAFF PRESENT: Town Manager Joel J. Brower, Town Attorney William Morgan, Planning Director Jack Meadows, Public Works Director Terry Green, Police Chief Gary Tyson, Recreation Director Donald Dones and Town Clerk Karen Alman.

JOINT PUBLIC HEARING – UDO TEXT AMENDMENT (TRELLISES, PERGOLAS, AND HANDICAP RAMPS): This joint public hearing between the Siler City Planning Board and Town Board is to hear comments on a request from Mayor Johnson to propose text amendments to §136 Definitions and § 170 Building Setback Requirements of the Unified Development Ordinance. Planning Director Jack Meadows advised this proposed amendment will not require trellises, pergolas, and handicap ramps to meet specified side yard building setbacks. Commissioner Cheek asked if persons building new homes are informed of setback requirements? Meadows responded he asks a series of questions which will bring all this information to the forefront where setback requirements can be discussed. At 7:15 p.m. Commissioner Adams moved to open the public hearing, seconded by Commissioner Cheek and unanimously carried. With no one coming forward with comments, the public hearing was immediately closed. *(Schedule 8-A)*

JOINT PUBLIC HEARING – UDO TEXT AMENDMENT (TOWN OF SILER CITY FACILITIES, OPERATIONS AND USES): Planning Director Meadows stated that currently, the Table of Permissible Uses of the UDO does not include the Town of Siler City facilities, operations and uses. Town Attorney William Morgan pointed out that if the Town of Siler City is the applicant and the Town makes the decision for a conditional use permit for itself, it could be seen as a conflict of interest. It is recommended that a new classification be created identified as 13.5 (Town of Siler City facilities, operations, and uses) and be permitted within all zoning districts. A motion to open the public hearing was made at 7:19 p.m. by Commissioner Adams and unanimously carried upon a second from Commissioner Constantino. The public hearing immediately closed as no one wished to make comment. *(Schedule 8-B)*

CAPE FEAR SHINER AUGMENTATION PROJECT PRESENTATION – SARAH MCRAE, U.S. FISH & WILDLIFE SERVICE AND BRENA JONES, N. C. WILDLIFE RESOURCES COMMISSION: Brena Jones with the N.C. Wildlife Resources Commission stated that the 902 crossing is the site where the Cape Fear Shiner was originally collected and officially identified as a species. There is an area designated critical habitat in the Rocky River meaning this area provides what is necessary for the shiner to survive and is currently inhabited by the species. Ms. Jones stated this area of river is “regulated and treated as if the fish is currently living there and has been since 1987”. The proposal is to take fish from healthy populations in the Deep River and bring them to the 902 crossing area in hopes they will reproduce and recolonize this area. She advised this area is very difficult to sample stating there could be shiners in the area, but they have not been able to find any. Jones pointed out they hoped to answer questions to clear up any misinformation about the project. She has heard the concern of what would happen if the shiner migrates upstream to Siler City noting this would be “extremely unlikely”. The distance measures about 15 kilometers and that one of the longest distances traveled by this minnow was measured at only 1.2 kilometers. Also the habitat the shiners prefer does not continue very far from the critical habitat area. In response to a question from Mayor ProTem Grimes, Jones stated that the preferred habitat by the shiner is complex habitat composed of a mix of riffles and eddies behind a rock feeding on insects and algae. Creeks do not tend to support shiners. Jones pointed out that because this area has already been designated critical habitat and has been regulated as such since the 1980’s, there would be no regulation changes for the Town’s water treatment process. She stated that there has been an improvement in the water quality of the Rocky River over the past ten years and that Siler City has been in compliance with State water quality standards for the past 10 years. It was pointed out that the Fish & Wildlife Service administers the Endangered Species Act and is responsible for trying to get the species off this list. This augmentation project will be a multi-year, multi-season project and will monitor the number of fish produced. Sarah McRae with the U.S. Fish & Wildlife Services answered a question from Commissioner Price regarding what might happen if one shiner made it up to Siler City stating that if one is found “the habitat has improved and the fish are doing great. Our goal in this project is to get this fish off this list and we don’t want to have to regulate it at all or its habitats. The more it expands, the better it is doing and the more likely we can take it off the list. If it moves up there, we need to know how it is moving and how is it getting up there. Nothing bad is going to happen. We want to be sure we are working with you and any of your concerns. We will work with you to make sure that nothing is going to happen if a dead fish shows up there”. Ms. Jones added that, “even if there was a dead fish or 20 or 100 dead fish up there, you cannot draw a straight line and say that it was Siler City’s wastewater that killed them”. Commissioner Adams asked when the sample was taken in the critical habitat area with Jones answering in 1971 meaning there were shiners in that area in 1971. He also asked if it were possible that shiners are located there now with Jones replying yes because they are very hard to locate in this river. Brower asked if there could be the possibility that if shiners did begin to migrate to Siler City, if that area could be designated as a critical habitat area with McRae answering that critical habitat would not be re-designated or expanded mentioning again that if the shiner is going that far, then the population is doing well. Jones stated that Siler City can use this to their advantage in that Siler City has improved the waste treatment plant processes and helped improve the Rocky River as this endangered species is able to thrive which is what they expect it to do and that Siler City has been active stewards of the resources helping to keep drinking water clean and been environmentally conscious. She felt this is the opportunity for the Town of Siler City to let those who have had negative comments about the water quality know that those comments are unwarranted.

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Commissioner Adams asked Jones if the Wildlife Resources Commission would be willing to come to any hearings with the Town's NPDES Permit and tell them what she has told the Board tonight? Jones answered that issue is between the Town and the NC Department of Water Quality because they set the legal requirements for State standards and certification. Brower felt it would not show them being an advocate but more specifically what is actually happening in Siler City. The Town has had much criticism from persons stating that the Town is the largest polluter of the Rocky River which is not true. Jones suggested using this information to Siler City's advantage pointing out it is located on the NC Wildlife Resource Commission website and they can provide links for research studies that have been performed. In response to a question from Commissioner Adams as to how the Town can help, Jones stated the Town could send a statement supporting this augmentation project. Commissioner Constantino asked what would happen at the end of the day if the Cape Fear shiner cannot be found in the Rocky River? Jones responded that the Cape Fear Shiner is an indicator species and when those species start to disappear, it is a "red flag" that there could be water quality issues and habitat issues. The mission statement of the Fish and Wildlife Services is "to protect the wildlife habitat of the State". The big picture is focused on water quality and not the Cape Fear Shiner. *(Schedule 8-C)*

RESOLUTION ACCEPTING & ENDORSING THE SOLID WASTE MANAGEMENT PLAN UPDATE OF 2012 FOR CHATHAM COUNTY:

The 10-Year Comprehensive Solid Waste Management Plan Update was developed by Chatham County and extends from 2012 to 2022. Siler City along with Pittsboro and Goldston are included in the plan and are being asked to adopt a resolution accepting and endorsing this draft plan. Dan LaMontagne, Environmental Quality Director for Chatham County, gave highlights to the 3-year update to the 10-year plan. He explained it is a requirement by General Statute that each local government either individually or with other units of government develop this 10-year solid waste management plan and to update it every 3 years. The plan is developed by the state along with the items that are to be addressed. There are 12 collection centers throughout the county. Chatham County has set a goal of 0.50 tons per person, per year which equals a 40% reduction from Chatham's original per capita rate of 0.84 tons. Proposed initiatives for Siler City waste reduction are:

- Partner with the County to develop a more comprehensive solid waste plan.
- Hold an annual electronics drop-off event in partnership with Waste Management, Inc. beginning in 2012. Siler City will be holding this event on Saturday, October 27, 2012 from 8:00 a.m. to 2:00 p.m. at Bray Park.
- Consider providing a separate bag to volunteers for the collection of recyclables (cans & bottles) during Adopt-a-Street clean-up efforts.
- Obtain assistance from the county's Solid Waste Recycling Division and Purchasing staff to develop a formal "buy-recycled" policy.
- Consider cost-sharing with County for an Environmental Educator position if budgets allow.

Mayor Johnson asked if there has been much work done on the regional landfills with LaMontagne replying that the County views it that either they can be a host for other counties or a customer for other counties and they prefer to be a customer. The County does not generate enough waste to support a landfill on its own and also it is very expensive to operate and there would be marginal profit. He stated that Randolph County is in the process of being permitted for a landfill and he has been in contact with them in hopes of the possibility of becoming a customer. Waste is now taken from the transfer station in Siler City to Sampson County as Waste Management received a better contract with them. In response to a question from Commissioner Siler, LaMontagne advised the collection centers are equipped to accept electronics at all times. They are then collected by the County and taken to a facility they have contracted with at RTP. Public Works Director Terry Green advised the Town will pick-up electronics if they see several sitting out at roadside and take to the County landfill who will accept a truckload at the time. Mayor ProTem Grimes asked if there was a facility in Siler City that a local resident could dispose of electronics? LaMontagne stated Siler City residents can come to the main facility landfill between Siler City and Pittsboro to dispose of their electronics, but not at the individual collection centers. Commissioner Constantino advised he is trying to get information on a process in which clear plastic bottles are separated manually which are then chipped up into pieces the size of a nickel. On the west coast they are turning over a "nice profit" advising it is a simple setup and it uses a lot of water. A motion to adopt the Resolution Accepting and Endorsing the Solid Waste Management Plan Update of 2012 for Chatham County was made by Mayor ProTem Grimes and unanimously carried upon a second from Commissioner Adams. *(Schedule 8-D)*

UDO TEXT AMENDMENTS TO OUTDOOR STORAGE AND APPEARANCE OF DOWNTOWN PROPERTIES:

Brower advised that Commissioner Constantino had brought up concerns about some downtown properties that needed to be addressed in regards to appearance at the August 20th Town Board meeting in which Planning Director Meadows provided information in the September 17th agenda packet. Commissioner Adams asked at the September 17th meeting that a downtown overlay district be established. Planning Director Jack Meadows provided preliminary UDO text amendments to the outdoor storage and appearance of downtown properties and considerations for establishing boundaries for the downtown overlay district. He is seeking direction from the Board regarding boundaries of the district and input on the proposed text amendments he has provided. Other issues to be addressed is the date property owners will need to comply with the proposed ordinance and to initiate the text amendment process. The proposed Outdoor Storage Prohibited with Downtown Overlay District text amendments address the purpose of the ordinance, defining what outdoor storage means - what can be included and also exceptions, the requirements which gives an opportunity to conceal the items with an approved enclosure and the amortization period. Commissioner Cheek asked if anyone would be grandfathered under the ordinance with Meadows responding it would be the decision of the Town Board. Commissioner Adams stated that if businesses are grandfathered, the problem areas will not be eliminated. Cheek added that the Board has been criticized in the past for not being "business friendly" and he does not want to create that situation again. Commissioner Bray agreed with Cheek stating that she does not want to "punish" everyone when the original issue involves a couple of downtown businesses. Mayor ProTem Grimes stated his tire business has operated since 1936 and employs 18 people. He advised they collect their scrape tires in a storage trailer until they have a full load at which time they contract with a trucker to haul the trailer to the recycling center at Cameron, NC at their own expense. This storage trailer cannot be seen from the road, but Grimes has a concern with the ordinance as written because the ordinance states

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under Requirements: 3a) *Outdoor storage, in its entirety, located within the Downtown Overlay District may be allowed if all outdoor storage items are entirely not visible and concealed from public view on adjoining streets or abutting properties.* Commissioner Adams commented he drove around the downtown business district stating he could not see the trailer with the tires on them at Cecil Budd Tire. Grimes pointed out under definitions it mentioned wooden pallets which is considered outdoor storage stating that all their rubber comes in on wooden pallets and they stack it up until they have enough to haul off when it is taken to be sold at the pallet company. Adams again stated that these tires and pallets are not sitting out in front of his building like others in the downtown area commenting that his business is a good corporate citizen. Planning Director Jack Meadows noted again that 3-a states "not visible and concealed from public view". Commissioner Adams thought a solution to the grandfathering and the amortization period could be to look for grants to help businesses become compliant with the outdoor storage and appearance of downtown properties and give them a year or more to accomplish this. Commissioner Price also wants the ordinance to take into consideration the normal, daily business activities of the involved businesses. Meadows pointed out he and Town Attorney Morgan are trying to address this under Exceptions (i) and continue to work on the wording. Chain link fencing with vinyl slats, plastic tarps and vehicle covers are listed as impermissible opaque enclosures under the proposed amendment to the UDO. Mayor ProTem Grimes asked Meadows to research state law regarding tire businesses as it may take precedence over a local ordinance. The state may allow a tire dealership to store tires on their property for a certain amount of time before disposing of the scrap tires. Commissioner Adams advised he does not feel like a decision needs to be made tonight on this issue and wants all options studied and addressed at a future meeting with other Commissioners agreeing. Meadows pointed out that public hearings will be required and also that the overlay district request will require a map amendment. It will need to be advertised in the newspaper, notification of adjoining and affected property owners through a letter, and public hearing signs posted around the overlay district. Adams feels it is important to speak with downtown business owners and let them know what the Board is trying to do and invite them to a Board meeting to get their ideas. Commissioner Constantino pointed out studying the issue is a good thing but wants to be sure this issue is revisited and wants a specific time set to meet on this again or it "could be like some other projects that go on for years before we finally decide we better do something". Town Manager Brower asked Board members if the nine block downtown overlay district that Meadows has presented is the area the Board is interested in concentrating on as this will determine the affected property owners that will receive this letter? Commissioners agreed this is the main area of concern and that it is important to include the proposed ordinances with the letter. Commissioner Bray pointed out she does not disagree with the proposed ordinance amendments, but asked where will the Town stop in asking property owners to improve their buildings after the outside areas are cleaned-up? Grimes mentioned offering a tax credit to property owners who make the needed improvements in which Town Attorney Morgan will research. Commissioner Constantino made a motion to allow Planning Director Meadows to put together a letter and sent it along with the proposed amendments asking them to attend the first meeting in November to receive their input. At this point Mayor ProTem Grimes asked to be excused from voting on this matter as he owns a downtown business involved. Commissioner Adams made a motion to excuse Grimes, seconded by Commissioner Cheek and unanimously carried. At this time, Commissioner Adams seconded Constantino's motion and was unanimously carried. *(Schedule 8-E)*

CONTINUED DISCUSSION - 2012 CDBG NC CATALYST GRANT PROGRAM APPLICATION AND PROPOSED IMPROVEMENTS AT PAUL BRAXTON, BRAY PARK AND BOLING LANE PARK:

The Town has been informed that the NC Catalyst application deadline has been extended to 5:00 p.m. on Friday, November 30, 2012. Constantino asked if the Board has had the opportunity to read the article on the front page of the News & Observer regarding soccer in Siler City with comments from Paul Cuadros, members of the Chatham Soccer League, Mayor Johnson and others and the intended improvements on the Paul Braxton field. He stated that after his group found out the deadline had been extended, he called Town Manager Brower and cancelled the meeting scheduled for Friday, September 28th in hopes they could be better prepared. Constantino pointed out the additional funds from this grant could help improve the soccer complex facility with add-ons such as a walking trail behind Braxton Manor, improve the basketball court, enhance bathrooms and improve fencing. He reminded Board members that the money is already available to put a regulation soccer court in at Paul Braxton. In regards to comments made at the last meeting, he stated that maintenance issues are a non-issue in that they did not ask for additional maintenance such as daily mowing and the Chatham Soccer League will be satisfied with the maintenance the field is receiving now. He pointed out the Board cannot overlook the economic impact this soccer field will have on Siler City. Constantino stated that the County Soccer League has already put in over \$40,000 to upgrade this field with no cost to the Town pointing out they have also stated they are willing to take on some responsibility of the maintenance of the field. Mayor Johnson asked if this group has been meeting with Town Manager Brower and Recreation Director Dones with Constantino advising they were to meet with them this past Friday, but cancelled when they found out the deadline had been extended. Commissioner Cheek had the opportunity to speak with Philip and Paul stating he is not against the soccer field, but he has always suggested that the soccer group meet with Brower and Dones to work out the problems before the Board meeting and to have the information in the agenda packet before the meeting instead of handed out at the meeting. Grimes agreed that the Town Manager needs to be included because the Town is under the manager/council form of government. Commissioner Bray advised she missed a meeting a while back and asked if there has been a vote by the Town Board to make Paul Braxton field a soccer field with Board members answering no. She feels this question needs to be answered before discussions continue on the soccer field effort. There are citizens who want this field to be used not as a soccer field only, but as a dual-purpose field. Grimes pointed out that the meeting with Commissioner Constantino, Brower, Dones and other members of the soccer group will meet to see if this field can be used as a soccer field only or as a multi-purpose field and bring the options back to the Town Board. Another meeting has been scheduled for Tuesday, October 2nd at 4:00 p.m. Mayor ProTem Grimes brought up the article in the News & Observer again stating he thought it was a positive article; however, there is another article that has been written that is very critical of the other article. Roger Person asked Mayor Johnson if he could speak from the audience on this issue with Johnson responding yes. Person stated he wanted to speak on Siler City and its young adults asking "what do the children of Siler City do when they become young adults when sports and recreation are not paying bills? They leave and do not return. We all know that. There is nothing here for them as young adults, no place to go and things that young adults like to do are not here in Siler City. There are no jobs except low paying service jobs. For those that stay, we are setting up the perfect environment for gangs, drugs and crime. I have spoken with young people and all of this is well underway whether you realize it or not". Person wants the Board to look at Siler City as a whole and ask "what is the community becoming"? He believes the Board should take another look at the grant and help a larger majority of people. Constantino explained the article speaks about how the soccer program at the high school has kept many of these students

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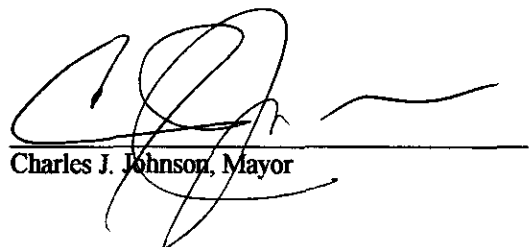
lack of jobs. He stated the Town has to start somewhere to make Siler City a place where others will want to settle advising he believes the Town is working hard to accomplish this. He hopes the old Chatham Hospital will be converted to a drug rehab center which will provide good paying jobs and also the chipping of plastic operation he mentioned earlier that would bring a few more jobs and use of water. The proposed soccer field will be the only regulation soccer field in Chatham County and cleaning up the nine blocks downtown along with the façade program are ways to improve Siler City. Person again spoke up that Siler City has the lowest per capita income in the entire County which is well below the poverty level. He asked what is being done to better Siler City? Mayor Johnson advised Person that if he had ideas, the Board would welcome them with Person responding that it is the Board's responsibility to look at what is happening and to come up with solutions to better Siler City. Commissioner Adams responded to Person stating he does not believe a community center will provide jobs or keep young people in Siler City pointing out that when he graduated he had to leave Siler City and go where the jobs were and it is the same way today. Adams pointed out the question to answer is does the Board want a soccer field at Paul Braxton and forget the grant or to pursue CDBG grant monies for additional amenities at Paul Braxton. Commissioner Bray again pointed out that she does not believe turning Paul Braxton field into a soccer field has ever been voted on with several Commissioners agreeing. Grimes stated the use of the CDBG monies has not been decided on yet and is not something that needs to be decided tonight. He wants Brower and Dones to meet with Constantino and the soccer group and come back to the next meeting with a specific proposal in the agenda packet before the Board meeting. Brower advised that Phase I of the Paul Braxton soccer field has \$40,000 available and will need to be voted upon. If the Board agrees to seek CDBG funds, it will then decide how to use these funds such as Phase II for further improvements at Paul Braxton Soccer Complex including mowing equipment, bathroom improvements at Bray Park, tennis court improvements at Bray Park and Boling Lane, and Boys & Girls Club. Discussion then ensued regarding keeping the baseball/softball field at Paul Braxton. Commissioner Bray asked if the baseball/softball field will be done away with at Paul Braxton with Constantino responding yes because the regulation field will take up the field. He stated that the baseball/softball field has not been used; however, Bray asked what if it can be used in the future? Bray does not want to see the baseball field taken away at Paul Braxton. Tony Siler asked Recreation Director Dones if they still used Paul Braxton field for baseball/softball with Dones responding yes. Constantino asked how many times with Dones answering several times a year but the number is "undocumented". He then asked how many times it is used for soccer which Dones stated every day. Adams pointed out that if Paul Braxton field is kept as a multi-purpose field, the bleachers need to be removed as they are very dangerous stating that it is in "ill repair" because it is not being used for its intended purpose. Grimes again reiterated to allow Town Manager Brower, who has been hired by the Town Board, to make a presentation to the Board after consulting with Commissioner Constantino and the soccer group, and Recreation Director Dones. Commissioner Price also wants Dones to be able to share the information he has been researching regarding bathrooms. Grimes stated that since there is division on the Board, all necessary information needs to be gathered so Board members can make a "valid decision". *(Schedule 8-F)*

PLACEMENT OF ATM AT SILER CITY LICENSE PLATE AGENCY: Brower has been contacted by Carolina ATM Services regarding the installation of an automated teller machine in the lower level of City Hall to serve the License Plate Agency. This same company provides ATM's for other license plate agencies in our area. Cash is required for notary services and will add convenience to the customers and increase the level of service. A motion to approve the agreement for the placement of an ATM in City Hall was made by Mayor ProTem Grimes, seconded by Commissioner Adams and unanimously carried. *(Schedule 8-G)*

TRANSPORTATION MEETING: Commissioner Cheek asked Jack Meadows to provide information on the comprehensive transportation plan and the bypass around Siler City. Meadows advised there will be two public hearings on Thursday, November 15th at the Earl B. Fitts Community Center to discuss the comprehensive transportation plan and the bypass around Siler City. The public hearings will be from 2:00 p.m. to 4:00 p.m. and again at 6:00 p.m. to 8:00 p.m. The DOT is interested in getting public input on Highway 64 – whether to leave it like it is, improve the road or build a bypass around Highway 64. Cheek feels building a bypass around Siler City will be very detrimental to Siler City and for the businesses built on Highway 64. This meeting will also be to discuss other transportation related issues in the community.

CLOSED SESSION: At 9:38 p.m., Commissioner Adams made a motion to adjourn from regular session and convene into closed session for property acquisition and unanimously carried upon a second from Mayor ProTem Grimes. The Board reconvened into regular session at 9:45 p.m. Commissioner Adams made a motion to authorize Town Manager Brower to proceed with the purchase of the Harman property for the benefit of the Town of Siler City in the amount of \$138,000.00. The motion unanimously carried upon a second by Commissioner Price.

With no further business, the meeting adjourned at 9:46 p.m.


Charles J. Johnson, Mayor

ATTEST;


Karen C. Alman, Town Clerk