

TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, May 1, 2023**, at 6:30pm in the City Hall Courtroom with Mayor Price presiding. Commissioner Fadely gave the invocation with the recitation of the Pledge of Allegiance following. Mayor Tem Haiges recited the Town of Siler City Mission Statement and Mayor Price recited the Town of Siler City Vision Statement.

ELECTED TOWN OFFICIALS PRESENT: Albert Alston, Cindy Bray, Norma Boone, Curtis Brown, Lewis Fadely, Bill Haiges, and Thomas "Chip" Price, and James Underwood

TOWN STAFF PRESENT: Town Manager Hank Raper, Town Attorney William Morgan, Public Works Director Cal Pettiford, Public Utilities Director Chris McCorquodale, Human Resource Director, Nancy Darden, Police Chief Mike Wagner, Parks & Recreation Director Jack Clelland, Budget Manager Jenifer Johnson, and Town Clerk Kimberly Pickard.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Commissioner Fadely requested error on Amended Agenda be corrected to correctly identify the numbers and Consent Agenda items as the following:

- 3.1. April 17, 2023 Minutes *Schedule A*
- 3.2. Run for the Wall Rolling Street Closure Request *Schedule B*
- 3.3. Hispanic Heritage Fiesta Street Closure Request *Schedule C*
- 3.4. Juneteenth Event Street Closure *Schedule D*
- 3.5. Watershed Protection Ordinance *Schedule E*
- 3.6. Police Week Proclamation *Schedule F*

A motion to approve the agenda amendment was made by Mayor Pro Tem Haiges, seconded by Commissioner Fadely, and unanimously approved.

A motion to approve the agenda as amended was made by Mayor Pro Tem Haiges seconded by Commissioner Brown, and unanimously approved.

CONSENT AGENDA

A motion to approve the consent agenda which included the April 17, 2023, Minutes (Incorporation by reference as if fully set forth herein Schedule A), Run for the Wall Rolling Street Closure Request (Incorporation by reference as if fully set forth herein as Schedule B), Hispanic Heritage Fiesta Street Closure (Incorporation by reference as if fully set forth herein as Schedule C) Juneteenth Event Street Closure (Incorporation by reference as if fully set forth herein as Schedule D) Watershed Protection Ordinance (Incorporation by reference as if fully set forth herein as Schedule E) Town of Siler City Proclamation Police Week and Peace Officers Memorial Day (Incorporation by reference as if fully set forth herein as Schedule F) was made by Mayor Pro Tem Haiges, seconded Commissioner Fadely, and unanimously approved.

PUBLIC COMMENT

PRESENTATIONS

Ilana Dubester representative of the Hispanic Heritage Fiesta event thanked the Board of Commissioners for allowing the Event and looked forward to planning.

PUBLIC HEARING

5.1. TA23-01. Text Amendment to the Unified Development Ordinance to Section 148.f.3.a.amending the requirements for swimming pools.

Mayor Price opened the Public Hearing for TA-23 Text Amendment to the Unified Development Ordinance Section 148.f.3.a.amending the requirements for swimming pools at 6:37pm

Planning Director Jennifer Baptiste shared the following information:

A request to review the regulation regarding fencing around swimming pools was made by the Siler City Board of Commissioners during the February 6, 2023 meeting.

History

The Planning Board reviewed the information submitted by Planning staff and tabled the item during the March 13th meeting. The item was tabled and the legislative hearing continued until April 10th. On April 10, 2023, the Planning Board reopened the Legislative Hearing regarding this request. After a brief discussion, the Board voted unanimously, 8-0, to recommend that Town Council **Approve** the request. The Planning Board recommended removing "above-ground pools" less than 48 inches from the text amendment completely.

Analysis

Fencing around swimming pools

Currently in the Town of Siler City's Unified Development Ordinance (UDO), the only development standards associated with swimming pools are stated in Residential Uses Section 148.f.3.a:

(3) Accessory use detached buildings/structures.

- a) Carports, garages, greenhouses, playhouses, pump houses, satellite dish antennas, sports ramps, storage sheds, swimming pools, tool sheds, uncovered decks, workshops, etc.1.May be in the rear yard and shall not be in any front (or side, in the case of a corner or double frontage lot) or side yard.
- 2.Carports, garages, pump houses, and satellite dish antennas may be located in a side yard if the detached accessory buildings/structures are no closer to the street than the principal building.
- 3.Uncovered decks may be located in a front or side yard only if the deck is no more than three (3) inches from the building wall of the principal building.
- 4.Shall comply with minimum building setback requirements of the zoning district in which they are located.

This section does not regulate, nor does it require the placement of fencing around pools. However, most municipalities reference the North Carolina State Building Code: Residential Code Appendix V and does not give detailed information for fencing requirements. This is done so that text amendments do not need to be made every time the Code is updated.

Recommendation:

Staff recommends adding a statement to Section 148.f.3.a:

(3) Accessory use detached buildings/structures.

- a) Carports, garages, greenhouses, playhouses, pump houses, satellite dish antennas, sports ramps, storage sheds, swimming pools, tool sheds, uncovered decks, workshops, etc.1.May be located in the

rear yard and shall not be located in any front (or side, in the case of a corner or double frontage lot) or side yard.

2. Carports, garages, pump houses, and satellite dish antennas may be located in a side yard if the detached accessory buildings/structures are no closer to the street than the principal building.

3. Uncovered decks may be in a front or side yard only if the deck is no more than three (3) inches from the building wall of the principal building.

4. Shall comply with minimum building setback requirements of the zoning district in which they are located.

5. Swimming pools:

i. All swimming pools, regardless of size, shall be located in the rear yard.

ii. In-ground, above-ground, and on-ground swimming pools, hot tubs, and spas that have a depth over 48 inches shall be enclosed by a fence or protective barrier meeting State standards.

iii. In-ground, above-ground, and on-ground swimming pools, hot tubs, and spas that have a depth over 48 inches are required to obtain a Zoning Permit.

Planning Director Jennifer Baptiste shared the following information concerning the compatibility with the existing Comprehensive Plan.

Compatibility with Existing Comprehensive Plan (items below that are *bold and italicized* may be selected as reasons why the proposed amendment is consistent with the land development plan)

The Land Development Plan 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.

Commissioner Fadely requested more information on what other towns are defining swimming pools and how the codes are enforced, ie: are kiddie and or temporary pools exempt? Commissioner Bray wants to know are existing pools grandfathered, how are existing pools being handled? Planning Director, Baptiste agreed to research the information and bring back to the June 5th meeting.

Mayor Pro Tem made motion to recess the Public Hearing at 6:51pm until the June 5th 2023 Board of Commissioners Meeting and was seconded by Commissioner Brown.

OLD BUSINESS

none

NEW BUSINESS

none

MANAGER'S REPORT

Town Manager Hank Raper shared the following with the Board of Commissioners:

- The 5th Annual Chicken Festival will be held Saturday, May 6th. Commissioner Boone, Commissioner Alston and Town Manager Hank Raper will serve as judges for the Chicken Pick'n Contest, while Mayor Price will be a contestant.

- Jersey Mikes is coming to Siler City, they have erected their signage and will be located beside the Little Caesars Pizza.
- 316 S Second Ave was on the Minimum Housing List but now has been completely renovated.
- Sanford Holshouser is working on 2nd Draft

CLOSED SESSION

A motion to go into Closed Session at 6:58pm was made by Commissioner Fadely, seconded by Commissioner Brown and unanimously approved §143-318.11(a)(6) 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.

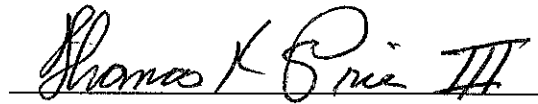
A motion to come out of closed session at 7:11pm was made by Commissioner Fadely, seconded by Commissioner Brown, and unanimously approved.

A motion to go into Closed Session at 7:13pm was made by Commissioner Fadely, seconded by Commissioner Brown and unanimously approved §143-318.11(a)(6) 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.

A motion to come out of closed session at 7:29pm was made by Commissioner Brown and seconded by Mayor Pro Tem Haiges, and unanimously approved.

ADJOURNMENT

With no further business the Board of Commissioners adjourned at 7:54pm



Thomas K. Price, III, Mayor

ATTEST:



Kimberly D Pickard, Town Clerk

