

TOWN OF SILER CITY
BOARD OF COMMISSIONERS
SEPTEMBER 5, 2023, MINUTES
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TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Tuesday, September 5, 2023**, at 6:30pm in City Hall Courtroom with Mayor Price presiding. Commissioner Alston gave the invocation with the recitation of the Pledge of Allegiance following. Commissioner Boone recited the Town of Siler City Mission Statement and Commissioner Fadely recited the Town of Siler City Vision Statement.

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

ELECTED TOWN OFFICIALS ABSENT: Curtis Brown

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

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

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

CONSENT AGENDA

A motion to approve the consent agenda which included the August 21, 2023, Minutes (Incorporation by reference as if fully set forth herein Schedule A), Hispanic Heritage Month Proclamation (Incorporation by reference as if fully set forth herein Schedule B) was made by Commissioner Fadely, seconded by Mayor Pro Tem Haiges, and unanimously approved.

PRESENTATIONS

Mayor Price read the Hispanic Heritage Month proclamation and presented Illana Dubester with signed copy in Spanish and English. Illana Dubester spoke about the Hispanic Heritage Festival that will be held on Saturday, September 16, 2023 and provided maps to the Board of Commissioners and the public in attendance.

Town Manager Hank Raper presented a slide show to the Board of Commissioners of the Town of Siler City Employee Involve event for Town employees.

PUBLIC COMMENT

Gilbert Pagan, Siler City, NC 27344: Pagan voiced his opposition for the Hispanic Heritage Festival stating the Dubester did not allow his organization a booth and his organization was discriminated against by Dubester and the Hispanic Liaison.

Patty White, Pittsboro NC 27312 : White voiced her opposition over the Hispanic Heritage Festival supporting Gilbert Pagan and his organization.

Tim Moore Siler City, NC 27344 : Tim Moore voiced his disapproval over the Hispanic Heritage Festival Support, Gilbert Pagan, and stating that Illana Dubster was discrimination against Pagan’s organization by not allowing Pagan’s organization a booth.

Prepared by Kimberly D Pickard, Town Clerk

PUBLIC HEARING

Public Hearing R23-0801 Rezoning- W. Third Business-CE Group, represented by Mark Ashness is requesting to rezone Parcel ID 13136 with approximately 7.503 acres from Agricultural Residential (A-R) to Office Institutional (O-I). The property is located to the South and East of US Highway 64; North of W. Third Street; and West of Frazier Store Road.

Mayor Price opened the public hearing for the rezoning of property on West Third Street by Business-CE Group, represented by Mark Ashness is requesting to rezone a parcel with Parcel ID 13136 with approximately 7.503 acres from Agricultural Residential (A-R) to Office Institutional (O-I). The property is located to the South and East of US Highway 64; North of W. Third Street; and West of Frazier Store Road at 6:57pm.

Planning Director Jennifer Baptiste shared the following property information:
 CE Group, represented by Mark Ashness, is requesting to rezone a parcel from Agricultural Residential (A-R) to Office Institutional (O-I).

Baptiste also shared:

Adjoining Zoning & Land Use:

- North: A-R – Vacant and Single-Family Residential
- South: R-3-C – Vacant
- West: A-R – Vacant
- East: A-R – Vacant and Single-Family Residential
- Traffic Count: Between 1,300 on this portion of W. Third Street per day (2018).The impact on Landowners, Immediate Neighbors and Surrounding communities is below:

Street/Road	Road Frontage (feet)	Travel Lanes	Maintenance	Speed Limit (mph)	Average Daily Trips
W. Third Street	613	2	NCDOT	55	1,300 (2018)

Zoning District	A-R	O-I
minimum lot size (Square Feet)	40,000	7,000
Recommended Minimum Lot width	100'	70'
Street right-of-way building set back	40'	25'
Lot boundary building set-back	20'	10'
Height Limitation	40'	45'

Straight Zoning Request:

The request is for a straight rezoning from Agricultural Residential (A-R) to Office Institutional (O-I). The reclassification of land to a straight rezoning district allows all uses that are allowed as permitted uses

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shown on the attached Table of Permissible Uses Table taken from the UDO. Any use identified as a conditional use (PC) or special use (S) would have to obtain additional approvals from the Planning Board and Board of Commissioners.

A straight rezoning does not exempt the property from development standards associated with uses. Any use would still be subject to the development standards identified in the UDO and other regulations that are applicable without readvertisement of the rezoning to a conditional rezoning.

According to the Unified Development Ordinance (UDO), the purpose of the O-I zoning district is to “accommodate a mixture of residential uses and uses that fall primarily within the 18.0 classification in the Table of Permitted Uses. It is intended that this zoning classification be applied primarily in areas that no longer are viable as single-family residential areas because of high traffic volumes on adjacent streets or because of other market factors but remain viable as locations for multi-family residential developments or offices.”

Rezoning Request:

The request is for a straight rezoning from Agricultural Residential (A-R) to Office Institutional (O-I). Any development on this property will be subject to the various development standards in the UDO based on the zoning district assigned such as signage (Article XVII) and buffering (Article XIX). The properties will be required to install a Type B buffer to the screen from the properties to the north, south, east, and west. A Type B buffer is defined as “a screen that is composed of intermittent visual obstructions from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion. The semi-opaque screen is intended to partially block visual contact between uses and to create a moderate impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation, compliance of planted vegetative screen or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E-7.” Once a use is identified, other development standards will be determined based on the particular use such as erosion control measures (Article XVI) as well as parking, loading, and unloading requirements (Article XVIII).

Baptiste went on to explain the adopted the adopted Land Development Plan (LDP) recommends these parcels develop as Rural Residential. Rural Residential is defined as “areas of very low-density development that are either environmentally sensitive or are located beyond the anticipated utility service area of the Town. Minimum lot sizes in these areas are typically 1 acre or greater. Agriculture and forestry uses are common in these areas.

Lastly, Baptiste presented the Board of Commissioners with their options:

1. Approve the map amendment/rezoning to O-I and find the rezoning inconsistent with the Siler City Land Development Plan, but amend the Land Development Plan to Mixed Use;
2. Deny the rezoning request as not consistent with the surrounding area and the Siler City Land Development Plan; or
3. Table the item to a date certain.

Mayor Price asked Planning Director Jennifer Baptiste if the applicant was aware of the wastewater delays and Baptiste stated the applicant was well aware before the application was submitted.

Prepared by Kimberly D Pickard, Town Clerk

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Mark Ashness: 30020 Village Park, Chapel Hill, NC – applicant and member of the CE Group. Ashness explained to the Board of Commissioners that the parcel was a member of the Fox Haven Group and went on to explain how this parcel would tie in with Fox Haven.

Cindy Dameron: 11080 US Hwy 64 W, Siler City, NC- explained that she was speaking at this public hearing instead of the next because this one came up first. She stated that she really does not have a dog in the fight, but she is in the real estate business and is very in tune with new developments that the planning board hears, she is very concerned about and if the meetings are being noticed, because she is not seeing the Public Notice signs that should be posted. She said she has seen Planning Board signs at the Piney Grove property but has yet to see any signs at the Third Street address.

Mayor Price asked when we have a public hearing, don't we have the obligation to give the public a two-week notice. Attorney William Morgan did confirm to Mayor Price that the area does have to be noticed and property does have to be marked. Mayor Price stated that he had gotten several phone calls about this specific piece of property, and he personally went out there and looked and rode all the way around in a circle and there are no signs out there. Planning Director Baptiste stated that the signage was placed and that is how she took the pictures that are on the slides. She explained that when she goes to the property to put up signs that is when she also takes pictures. She explained that the problem is that we have signs that are on metal poles and this particular piece of property was extremely rocky and if a vehicle is passing fast they can fall over and they are not the sturdiest of signs. She stated there were two signs, one on Third Street and one on George Brooks Lane. Commissioner Fadely asked Baptiste how long the signs had been placed for and what else was done to meet the requirements of public notices. Baptiste explained that the applicant as well as adjacent property owners receive letters and legal notices are run in the local newspaper prior to the Planning Board and the Board of Commissioners meetings. Commissioner Fadely asked Attorney William Morgan if those items met all of the statutory requirements that the Town is required to adhere to and William Morgan agreed that the Board of Commissioners could move forward. Mayor Price asked if the signs could be checked because he was still shocked as he went down Hwy 64, West Third Street, and George Brooks Road and did not see a sign anywhere, Baptiste explained that it was extremely hard for her to place the signs in the ground because the terrain is very rough. Commissioner Fadely asked again if all adjacent property owners received letters and she said over 30 were sent and two letters and its possible a few could come back. Commissioner Fadely then asked Attorney William Morgan if he felt comfortable that the public and property owners had received proper notice. Attorney William Morgan stated he was reading the statue. Commissioner Fadely asked Planning Director Baptiste how many weeks did the notice run. Baptiste answered two weeks prior to the Planning Board meeting and two weeks prior to the Board of Commissioners meeting. Commissioner Fadely confirmed four weeks and Baptiste agreed. Commissioner Boone questioned if the signs did fall over, or if someone did not buy a newspaper or if their letter was one that got returned. Commissioner Boone continued that she was trying to consider different scenarios that someone could say they did not receive notice. Commissioner Fadely stated that once it is noticed in the newspaper that puts the public on notice and they can not say they did not receive notice. Attorney William Morgan informed the Board of Commissioners they could continue the public hearing however he does not think putting the public hearing off since it has been noticed would or could cure any defects. Attorney Morgan felt that based on the testimony of the Planning Director Jennifer Baptiste the public notice has been met. Commissioner Fadely asked applicant Mark Ashness his opinion. Ashness stated in his experience, that the public has thirty days to appeal the Board's decision, and he feel that if someone felt they were not noticed properly, then they would fall under the thirty-day guidelines. Commissioner Fadely asked Ashness if he was

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comfortable moving forward, and he said yes, he feels comfortable, there have been no negative comments from any property owners.

Mayor Price closed the public hearing at 7:24pm.

A motion to approve the proposed zoning map from A-R to O-I, and the amendment is inconsistent with the Town of Siler City's Land Development Plan based on the staff report, supporting exhibits, the consistency statement and testimony provided, the amendment is also reasonable, and in harmony with the surrounding area was made by Commissioner Fadely, seconded by Mayor Pro Tem Haiges and unanimously approved.

Public Hearing R23-0802 Conditional Rezoning-Piney Grove Church Rd- Dennis and Susan Hearn, represented by Casey Hearn, is requesting to rezone two parcels with parcel ID's 13640 and 82177 and containing approximately 9.779 acres from Agricultural Residential (A-R) to Highway Commercial / Conditional (H-C-C). The property is located to the South of US Highway 421 and East of Piney Grove Church Road.

Mayor Price opened the public hearing for Piney Grove Church Road request from Dennis and Susan Hearn, represented by Casey Hearn, is requesting to rezone two parcels with parcel ID's 13640 and 82177 and containing approximately 9.779 acres from Agricultural Residential (A-R) to Highway Commercial / Conditional (H-C-C). The property is located to the South of US Highway 421 and East of Piney Grove Church Road at 7:25pm.

Planning Director Jennifer Baptiste shared the following property information:

The property is located to the South of US Highway 421 and east of Piney Grove Church Road. The subject properties are approximately 9.779 acres. The parcels are vacant and undeveloped.

Applicant: Casey Hearn

Owner: Dennis and Susan Hearn

Requested Action: Rezoning of a property zoned as A-R to H-C/C

Property Address: two (2) unaddressed properties on Piney Grove Church Road, Siler City, NC Status of Properties: Undeveloped

Size: 9.779 acres ±

Adjoining Zoning & Land Use:

- North: US Hwy 421
- South: A-R – Vacant and Single-Family Residential Homes
- West: A-R & R-20 – Single-Family Residential Homes
- East: A-R – Single – Family Residential Homes
- Traffic Count: None available for Piney Grove Church Road

Baptiste shared the impact on landowners, immediate neighbors and the surrounding communities :

Street/Road	Road Frontage (feet)	Travel Lanes	Maintenance	Speed Limit (mph)	Average Daily Trips
Piney Grove Church Rd	904.7	2	NCDOT	55	NA

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US Hwy 421 Access Ramp	0	1	NCDOT	35	500 (2018)
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Zoning District	A-R	H-C
minimum lot size (Square Feet)	40,000	0
Recommended Minimum Lot width	100'	100'
Street right-of-way building set back	40'	10'
Lot boundary building set-back	20'	0'
Height Limitation	20'	60'

Planning Director Jennifer Baptiste shared the conditional rezoning request:

The request is for conditional zoning from Agricultural Residential (A-R) to Highway Commercial/Conditional (H-C-C). The applicant is proposing to limit the uses to use codes for storage, landscape sales, and possible retail identified in the Table of Permissible Uses: 2.22, 9.1, 9.2, 9.21, 9.22, 17.1, and 17.2.

The request is for conditional zoning from Agricultural Residential (A-R) to Highway Commercial/Conditional (H-C-C). Any development on this property will be subject to the various development standards in the UDO based on the zoning district assigned such as signage (Article XVII) and buffering (Article XIX). The property will be required to install a Type B buffer to the north, south, east and west. A Type B buffer is defines as " a screen that is composed of intermittent visual obstructions from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion. The semi-opaque screen is intended to partially block visual contact between uses and to create a moderate impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation, compliance of planted vegetative screen or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E-7."

Once a use is identified, other development standards will be determined based on the particular use such as erosion control measures (Article XVI) and parking and loading and unloading requirements (Article XVIII).

Baptiste shared the following Compatibility with the Existing Land Development Plan:

The adopted Land Development Plan (LDP) recommends these parcels develop as Low-density Residential.

1. Limit impacts of development on the environment and promote sustainability.
2. Encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks.
3. Improve the appearance of properties.

Prepared by Kimberly D Pickard, Town Clerk

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4. Permit residential development at a low density in keeping with the character of many existing neighborhoods in the Town.
5. Maintain the integrity of existing neighborhoods.
6. Promote walkable, interconnected neighborhoods.
7. Encourage provision of recreation and park land for Town residents.
8. Encourage efficient use of transportation networks.

Based on the definition of the Low-density Residential classification and the identified objective, this rezoning would be inconsistent with the 2017 Land Development Plan. (Please see information on Consistency Statement attached.) Approval would require an amendment to the low-density residential is defined as "areas of residential development, typically single-family structures, with minimum lot sizes of approximately ½ acre or greater."

The objectives identified in the Land Development Plan for the Low-density Residential land classification are: SEEMS TO BE SOMETHING MISSING HERE

Planning Director Jennifer Baptiste shared the applicants Addendum modifying their original application, the Addendum explains the why the applicant feels the rezoning is reasonable and Baptiste went on to explain to the Board of Commissioners the applicant modified the application and is in the packet as Page 39 and 40. The applicant intends to build storage buildings on the property.

Lastly, Baptiste presented the Board of Commissioners with their options:

1. Approve the map amendment/rezoning to H-C-C and find the rezoning inconsistent with the Siler City Land Development Plan, but amend the Land Development Plan to Mixed Use;
2. Deny of the rezoning request as not consistent with the surrounding area and the Siler City Land Development Plan; or
3. Table the item to a date certain.

Commissioner Alston stated that we need to get water and sewer before we can move forward with these developments. Planning Director Jennifer Baptiste explained that according to State law the town cannot refuse an application that applicants have due process so therefore she has to take their application.

Commissioner Fadely asked Baptiste about water and sewer lines and road access. Baptiste replied they would have to get a driveway permit from the NCDOT and per the information provided during the pre-development meeting they would be allowed one access, but any other accesses would have to be worked out with NC DOT and the applicant will also be subject to the land development ordinance when they submit a site plan.

Commissioner Bray voiced concerns over the amount of traffic that would be coming in and out of the drive.

Commissioner Boone also voiced her concerns on the flow of traffic as well as traffic coming in and out all times of the night, but stated that her main concern was how close it was to the residential areas itself.

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Planning Jennifer Baptiste explained to the Board of Commissioners these would be good questions for the applicant, and since this was a conditional rezoning the Board of Commissioners would be able to add different conditions as they deem appropriate.

Commissioner Bray asked Baptiste what type of feedback she has received from property owners. Baptiste explained she had multiple telephone calls as well as the people that showed up at the Planning Board meeting in opposition.

Commissioner Bray went on to say that she feels that this type of development would decrease property values. Attorney William Morgan stated that a professional expert would need to answer that question.

Commissioner Fadely asked if the Board of Commissioners could hear testimony from citizens concerning the property values.

Commissioner Fadely asked Baptiste to confirm that we still had issues with access points as well as water and sewer and neighbors and Baptiste agreed.

Commissioner Fadely questioned the Duke Energy easement as well as the water hazard areas. Baptiste explained that the applicant would have to work out Duke Energy easement issues with the power company.

Mayor Pro Tem Haiges asked Planning Director Baptiste to confirm that she had thirteen people that spoke against the development and there was no one for the development, Baptiste confirmed that was correct.

Mayor Pro Tem Haiges asked Baptiste if she could give a summary of the thirteen people that spoke what their concerns were. Baptiste stated that the concerns were the access point, increase in traffic, and increase in outside people coming into their area. Baptiste also explained that it is an established area and neighborhood, and the residents were concerned with outsiders and non-transient people in their neighborhood, which again could result in traffic as well as other concerns.

Commissioner Fadely asked Baptiste if the Planning Board denied the request 5-0 and Baptiste confirmed.

Casey Hearn, applicant for the subject property 104 Kaylan Lane Thomasville, NC: Hearn went on to explain that in 1988 his family purchased the 104 acres from Elder Oil Company, the applicant went on to explain that the family has had a lot of interest in people wanting to purchase the property for residential uses, but he is aware that with Wolfspeed coming and many other residential units, that a storage units are very much needed. He went on to address that he is aware of the speculation of a gas station and other uses, but his primary goal is to build storage units on the property.

Hearn stated he would sign an official statement that he is not building a gas station, he went over the permissible uses outlined in the addendum and again stated his primary objective was to build storage units and the secondary use would be landscape supply sales he thinks if there was a major push back in the landscape supply sales he would be willing to not pursue that at all and just do the self-storage. The applicant stated that he has met on the site with Duke Energy and a general contractor and he stated that

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there is no reason he cannot do the things based on what both those guys said. The applicant went on to discuss the planning board meeting calling it rough, that the people did not want a gas station they did not want the crime, the traffic, he stated he thinks that was because of his original application, so he wanted to address those issues that came up.

Hearn quoted a passage of Commissioner Alston's prayer and he wanted everyone to know that his intention is not to be continuous or argumentative his intentions are to let the community to know he is listening, the applicant went on to list different items, that were concerns of the residents surrounding the area:

1. there is no intentions of building a gas station.
 2. Residents were concerned about the decrease in tax value, but the applicant stated there is no documentation to support that claim.
 - 3, Applicant went to Realtor.com and looked at the top ten things that could reduce the property value and self-storage was not one of them.
- Hearn skipped to 5. stating that residents did not like the access from Hinshaw Rd, so he moved the access up closer to the transformers on the property.
6. applicant stated that one resident stated that the map was not accurate, applicant stated that he was not sure where that came from because the map came from GIS.
 7. Residents were concerned with an increase in traffic flow, applicant stated that the average self-storage only increases traffic flow by 6.82 vehicles per day. And people already speed on that road, they go so fast will blow your hat off, so he thinks if the rezoning is granted, he would petition to have the speed limit reduced to 35.

Hearn skipped to 9. residents don't think storage is needed.

10. Applicant would install significant buffers, low target lighting so no residents are personally impacted. The applicant repeated that he does not want to do anything that would be disruptive to the residents of the community.

Commissioner Bray asked the applicant how many total units he was considering and what were the proposed hours of the facility going to be. Bray wanted to know if people would just be able to come in at midnight. Hearn informed Commissioner Bray that initially they were planning 100 units, and once those were paid off the plan would be to build 100 more. Hearn stated that most storage facilities are 24-hour operations, but he would propose a 9pm shut down time and ensured that there would be tons of security cameras etc.

Commissioner Fadelly noted that the new plan did not seem as busy as the prior one, and Hearn explained how the entrance was moved and how Deerfield would no longer be affected.

Mayor Price inquired about other types of items that he has seen at other storage facilities like RV storage and boats and other items. Hearn stated that they had no plans to entertain Boat or RV's that the primary object was enclosed storage units.

Commissioner Alston stated that the property was downhill. Hearn stated that the property was pretty level.

Commissioner Bray voiced her concerns over the residents.

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David Poe: 125 Deer Ridge Road, Siler City NC, Poe stated that his property is adjacent to the parcel where the proposed buildings will go where it was originally supposed to be a gas station or landscaping supplies, he went on to say that he has lived there for 22 years and the area is zoned for residential not industrial and that is not consistent with the Land Development plan. He went on to say that all the homes had been there over 20 years too, and lastly that any time of commercial development would have a negative impact.

Mike McPherson: 415 Colony Street, Siler City NC 27344: McPherson stated that he owns the property across from the proposed storage unit facility and he opposes the project.

Billy Williams, 140 Hinshaw Street, Siler City, NC 27344- stated that he has been to several of the meetings and stated that he strongly urges the Board to turn this project down because it is a residential area and he stated as we all know it could be sold tomorrow and rezoned into whatever.

Mayor Price asked what the possibility of this going back to the Planning Board so they could revisit the new findings the applicant has presented.

Commissioner Fadely stated that he was wondering if continuing the case would allow the applicant to possibly reach accord with the neighbors, even if it is an uphill battle.

Commissioner Fadely and Town Attorney William Morgan went onto discuss if the plan was denied, the applicant would have to go back and submit a new plan and pay new fees.

Mayor Pro Tem Haiges stated that if the public hearing is continued, he would like to see further explanation on the new conditions by the applicant.

Commissioner Bray stated that she does not think going back and revisiting is going to change things, she said that if the storage facility had already been there when people move in that makes things different, but when you have lived there 20 plus odd years and then suddenly, the plan changes. She said in her opinion commercial should not go there.

Commissioner Fadely and Mayor Pro Tem Haiges were both in agreement that if a motion came up tonight to approve, they would both deny, but both would approve a motion to continue.

Mayor Price closed the public hearing at 8:32pm.

A motion to deny the proposed zoning map amendment from Agricultural Residential (AR) to Highway Commercial Conditional (H-C-C) and that the amendment is non consistent with the Town of Siler City's land development plan based on the staff report, supporting exhibits, the consistency statement and testimony provided, the amendment is also not reasonable and is not in harmony with the surrounding area was made by Commissioner Bray, seconded by Commissioner Boone, and unanimously approved.

OLD BUSINESS

NONE

NEW BUSINESS

NONE

MANAGER'S REPORT

Town Manager Hank Raper gave the following updates:

- The first movie night was held at Bray Park, showing Super Mario Brothers and it was estimated there were over 60-70 individuals there to watch the movie.
- The pool season has ended.
- Town Manager thanked everyone that came out to Mayor Pro Tem Haiges' Community Engagement.
- Thanked Elizabeth Mauney with Mountaire for providing a tour of the processing facility.
- Updated Commissioners on the wiring installation and camera installation.
- Thanked the Mayor Price and the Siler Area Chamber of Commerce for putting on the ribbon cutting ceremony for the new Jersey Mikes Subs.
- Announced that a new Finance Director would be starting in early October.

Mayor Price, inquired about the Audit update, and Town Manager Hank Raper gave updates.

TOWN ATTORNEY INFORMATION

NONE

GOVERNING BODY COMMENTS

Commissioner Bray voiced her concerns over the condition of Boling Lane Park and wants to know what we can do to improve the appearance. Commissioner Fadely inquired about the grant restrictions that can prohibit the Town from doing certain things. Town Staff was asked to see what we can do to reach out to the project organization. Commissioner Boone voiced her concerns over the retention pond and how the area can be unsafe to children. Mayor Pro Tem Haiges suggested investigating the Town's obligations regarding the grant. Commissioner Fadely and Commissioner Boone stated it is not safe the shape it is in.

Mayor Price voiced his concern over all the developments that are coming up and asked if there is some type of temporary moratorium we can put until the water and sewer issues are resolved. He said there are so many lined up to do now and how are we determining who is first and which project is going to get approved.

Mayor Price stated that some of this will make more sense when we go into closed session, and he would like to make the Board of Commissioners aware of the issue that came to his attention last week. Price future stated that the Town Manager and a few of the Board members had been in discussions with other municipalities about proposals that would directly affect Siler City facilities and employees. Mayor Price stated that this is not surprising, but it is disturbing that Mayors and Boards of other surrounding municipalities are more aware of what is being studied than he is as the mayor. Mayor Price stated that this is a disturbing trend and is not transparent at all and this will become more apparent as the Board of Commissioners go into closed session and the Board of Commissioners needs to discuss the implications of this action.

CLOSED SESSION

A motion to go into closed session § 143-318.11 (a)(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease was made by Mayor Pro Tem Haiges at 8:46pm, seconded by Commissioner Bray, and unanimously approved.

A motion to come out of closed session was made by Mayor Pro Tem Haiges, seconded by Commissioner Boone at 8:59pm, and unanimously approved.

A motion to go into closed session § 143-318.11 (a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged was made by Commissioner Fadely at 9:01pm, seconded by Commissioner Boone, and unanimously approved.

A motion to come out of closed session was made by Commissioner Fadely, seconded by Commissioner Underwood at 9:52pm, and unanimously approved.

A motion to authorize the Town Manager to negotiate a merger and hire an attorney for water and sewer utilities with the City of Sanford and any final contracts would be approved by the Town of Siler City Board of Commissioners was made by Mayor Pro Tem Haiges, seconded by Commissioner Fadely, and unanimously approved.

ADJOURNMENT

With no further business the Board of Commissioners adjourned at 9:57 pm.



Thomas K. Price, III, Mayor

ATTEST:



Kimberly D Pickard, Town Clerk

