



Town of Sedalia

Planning Board Meeting / Town Hall

February 15th, 2024 / 7:00 PM

Minutes

Call to Order: Meeting was called to order at 7:05 pm by Planning Board Vice-Chair Marian Jeffries.

Prayer and Meditation: Time was allotted for a moment of silence.

Pledge of Allegiance: Time was allotted for Pledge of Allegiance.

Roll Call: Members present included Marian Jeffries (Vice-Chair), Robert Jones, Alfred Walker, Jay Riehle, and Brenda Walker.

A. MOTION to approve the agenda was made by Planning Board Member Alfred Walker and seconded by Planning Board Member Jay Riehle. Motion carried.

B. MOTION to approve the minutes from the previous meeting was made by Planning Board Member Riehle and seconded by Planning Board Member Jones. Motion carried.

DISCUSSIONS/REPORTS

I. Vote on Appointment of Jay Riehle to official Planning Board Member

The Planning Board convened to discuss and vote on the appointment of Jay Riehle, alternate member, to a regular member position on the Planning Board. Vice-Chair Marian Jeffries initiated the discussion by inviting questions or concerns from the Board regarding Mr. Riehle's potential appointment. Following deliberation, the Board expressed their satisfaction with the appointment.

A motion was then raised by Member Alfred Walker, seconded by Vice-Chair Jeffries, to vote on the appointment of Jay Riehle as a regular member of the Planning Board.

The Board conducted a vote, with a unanimous 4-0 decision in favor of appointing Jay Riehle to the Planning Board as a regular member.

It was resolved that this decision will be conveyed to the Town Council during the upcoming March 5th Town of Sedalia Town Council Meeting for their consideration.

II. Flood Damage Prevention Ordinance - Review/update

The Planning Board concluded their review of the Flood Damage Prevention Ordinance, based on the information provided by Office Assistant Shari Bryant. Commencing at "Article 4. Section C. Duties and Responsibilities of the Floodplain Administrator" provision

on page 13, the Board made corrections and additions throughout the entirety of the draft ordinance.

ARTICLE 4. ADMINISTRATION

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

PART 3. Certification Requirements

(a) Elevation Certificates

The incorporation of the following additional text, addressing the requirement of a final Finished Construction Elevation Certificate (FEMA Form 086-0-33) following the completion of construction, and preceding the issuance of a Certificate of Compliance/Occupancy:

- The additional text reads as follows: "*(iii) The certifier of the Finished Construction Elevation Certificate shall furnish at least two photographs depicting the front and rear of the building, captured within 90 days from the date of certification. These photographs must clearly show the building description and diagram number provided in Section A. Whenever feasible, these images should encompass the entire building, including its foundation. In cases of split-level or multi-level structures, a minimum of two additional photographs depicting side views of the building must be provided. Furthermore, if applicable, a photograph showcasing the foundation with a representative example of flood openings or vents must be included. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.*"

While this additional text is discretionary, as it is not mandated by the State, it is recommended to utilize the FEMA Elevation Certificate as it is necessary for the procurement of flood insurance and/or CRS Participation. Therefore, it is recommended by Shari Beasley that the Town incorporate the additional text in its entirety.

Members Alfred Walker and Jay Riehle concurred that the inclusion of this text appears to be a prudent measure, to which the Board assented, retaining the addition in its entirety as suggested.

(b) Floodproofing Certificate

A Floodproofing Certificate is not mandatory at the time of permitting the structure. However, the inclusion of an ordinance mandating certification for non-residential floodproofing, used to meet the Regulatory Flood Protection Elevation requirements, along with supporting data and operational plans, etc., is a recommended addition to ensure compliance and proper permitting for the structure.

The Board decided to retain this section as it stands, given that it was already adopted in the 2008 ordinance. They concur that, for an ordinance of this nature, "the more comprehensive, the better."

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

Literature discussing the advisement to property owners of structures where the lowest floor and the lowest adjacent grade of a structure, or the lowest ground elevation of a parcel in a Special Flood Hazard Area, is above the Base Flood Elevation (BFE), and of the option to apply for a Letter of Map Amendment (LOMA) from FEMA, is an optional addition.

It is also recommended that the town retain a copy of the LOMA issued by FEMA in the floodplain development permit file.

The Board decided to keep this addition.

SECTION E. VARIANCE PROCEDURES.

PART 10

A proposed enhancement entails the provision of a variance for facilities such as solid waste disposal, hazardous waste management, salvage yards, and chemical storage within Special Flood Hazard Areas, contingent upon meeting specific conditions. These conditions encompass showcasing the indispensable role of the facility within the community, substantiating the absence of viable alternative locations beyond flood-prone areas, guaranteeing adherence to flood protection standards for structures, full compliance with pertinent regulations, and pre-notification of the intended variance to the relevant authorities. This enhancement is recommended for inclusion.

Member Alfred Walker stated, "[He sees] no reason to take it out.. [The Board] needs to decide why we put that solid waste disposal facility in a flood area. [However], adding this to the ordinance covers [the Town] in case [it is necessary]." The Board agrees that they don't see a reason not to include such an ordinance, as it has the potential to cover the black and white.

The Board agreed to keep this ordinance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS.

The recommendation entails the inclusion of the following ordinance, derived from the 2008 ordinance:

- *"(9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be situated in a Special Flood Hazard Area solely if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions outlined in Article 4, Section B(3)."*

The addition of the following text is recommended, but not required: *"(17) Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving*

Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F)." This addition would allow the Town to obtain a maximum of 280 CRS points.

The Board decided to keep this addition.

SECTION B. SPECIFIC STANDARDS.

PART 4. Elevated Buildings

It is strongly encouraged that the Board keep this sentence. If removed, it is also recommended to place a 'reserved' for all references back to this section to be revised.

- *(b) Shall not be temperature-controlled or conditioned;*

Additionally, it was recommended that the board keeps following optional text:

- *"(f) Fill is prohibited in the SFHA" with understanding this means all fill for all purposes. This should be consistent with Article 5, Section A(17), and had potential for a maximum of 280 CRS points.*
- *"(g) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space; Community Name will have the right to inspect the enclosed area. Community Name will conduct annual inspections. This agreement shall be recorded with the County Name County Register of Deeds and shall transfer with the property in perpetuity."* There is potential for a maximum total of 90 CRS points.
- *"(h) Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation."*

The Board decided to keep this addition.

PART 5. Additions/Improvements

The improvement to "(i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages" to add *"and must not be any more non-conforming than the existing structure"* is optional, but necessary.

The Board decided to keep this addition.

The following additional text was added for input from the Board:

- *"(d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a Insert number of years (One (1) year minimum is required) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the Insert number of years (One (1) year minimum is required)*

year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed.” The repetitive loss portion is optional, but will be required for flood insurance policy holders to be eligible for Increased Cost of Compliance (ICC) benefits for repetitive losses.

The substantial damage clause was not included in the town’s 2008 ordinance; therefore, the Board will need to determine the timeframe in two areas, where a minimum of one year is required for additional improvements.

Member Alfred Walker recommended keeping the timeframe to one year. Member Jay Riehle concurred, stating that “If it's just a repair for the improvement of a building, [the Town] wouldn’t want that [process to drag out].” The council agreed to set it at one year, bearing in mind that this is only for basic improvements to the structure.

The Board agreed to keep this ordinance and add the improvements.

SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

The addition of the following section was recommended:

“Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

(1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of Insert freeboard [four (4), (feet of freeboard selected for Regulatory Flood Protection Elevation definition)] feet, above the highest adjacent grade; or at least Insert feet [Four (4), (A minimum of two (2) feet is required and four (4) feet is recommended where a depth is not provided)] feet above the highest adjacent grade if no depth number is specified.

(2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B (3) and Article 5, Section B(2).

(3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.”

Member Robert Jones believes that this addition is very significant, even if the homes are not in a flood-prone area. Vice-Chair Marian Jeffries agreed, stating that “That’s what we went through a couple of weeks ago.” Member Jay Riehle added that his property isn’t even located in a flood zone; however, the “tiny creek behind [his] house” floods very easily. These statements pertain to a flash flood that the Town of Sedalia experienced a few weeks prior to this meeting, during which many neighborhoods experienced intense flooding that lasted for a few days.

The Board agreed to keep this ordinance and add the improvements.

ARTICLE 6. LEGAL STATUS PROVISIONS

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

The addition of the following section was recommended:

“This ordinance partially reinstates certain provisions of the Flood Damage Prevention Ordinance enacted on [insert adoption date of the community’s initial Flood Damage Prevention Ordinance], without intending to revoke them. Its enactment aims to maintain the enforcement of existing provisions continuously, preserving all rights and liabilities under them for enforcement. Any ongoing legal actions remain unaffected by this ordinance. All provisions not reenacted herein from the initial Flood Damage Prevention Ordinance of the Town of Sedalia are hereby repealed. The initial Flood Damage Prevention Ordinance for Guilford County was adopted on [insert adoption date of the community’s initial Flood Damage Prevention Ordinance].”

The adoption date of the community’s initial Flood Damage Prevention Ordinance will be the date that the Town Council enacts the ordinance.

Member Brenda Walker stated that with the possibilities of change that the Town is setting due to climate change, it is very important that the Board add as much detail to the ordinance as possible. This is especially important to protect people who are getting flood insurance, so that they’re covered.

The Board agreed to add this ordinance.

Citizens Comment

Vice-Chair Marian Jeffries mentioned that she had reviewed the Draft Personnel Policy, commending its attention to detail. She noted that it covers many topics previously addressed by the Town Council and Board, such as:

- Hiring Processes
- North Carolina's at-will employment status, which means that termination or resignation can occur without the need for a specific reason.

- Purpose of Policy
- Merit Principles
- Responsibilities of Town Council, Town Administrator, Human Resource Officer, etc.
- Applicational Policies and Plans
- Grievance Procedures and Processes
- And more.

Board Member Robert Jones found it interesting that only the Town Council seemed to have any defined responsibilities, to which Vice-Chair Marian Jeffries added that it made sense considering that Board members were volunteers.

Additionally, Member Robert Jones reminded the Board that early voting is available at the Charlotte Hawkins Brown Museum until March 2nd. Vice-Chair Marian Jeffries added that Election Day is on March 5th.

Announcements

All regular scheduled meetings are held at the Sedalia Town Hall and begin at 7:00 pm.

- The next Town Council Agenda meeting will be held on January 29th.
- The next Town Council meeting will be held on February 5th.
- The next Planning Board meeting will be held on February 15th.

Meeting adjourned.

Marian Jeffries, Vice-Chair

Date