

Agenda
Regular Board Meeting
Aberdeen Town Board

August 18, 2014
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

1. Call to Order
 - a. Pledge of Allegiance.
2. Setting of the Agenda
3. Consent Agenda

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held except on request by a member of the Board of Commissioners.

- a. Minutes of Closed Session on May 17, 2014, Regular Board Meeting on June 16, 2014, Special Called Meeting on June 30, 2014, and Work Session on August 4, 2014.
4. Informal Discussion and Public Comment
 - a. Introduction of new Fire Department Employees and Promotion.
5. Financial Report

No financial report this month – first financial report for Fiscal Year 2014-2015 will be presented 10/20/14
6. Old Business
7. Public Hearings and New Business
 - a. Public Hearing on Midway Gardens Grant Close-Out.
 - b. Public Hearing Regarding the Closure of a Portion of Morehead Avenue.

- c. A Resolution Ordering the Permanent Closing of a 500 lineal feet portion of Morehead Avenue.
8. Other Business
- a. Grant Updates
 - (1) Midway Gardens Grant - #10-C-2207
 - (2) 2011 SBEA Grant #11-C-2331
 - (3) 2012 SBEA Grant #12-C-2438
 - (4) Berkley Phase 3 Sewer Grant - #12-C-2510
 - (5) ITPP – Sewer Improvements Grant - #07-D-2451
 - (6) Building Reuse Grant (Project Huggies) - #2013-125-60501-118
 - (7) Building Reuse Grant (Meridian Expansion Project) - #2013-088-60501-118
 - (8) Clean Water Management Trust Fund Grant - #2010-201
 - (9) FY 2014 EPA Brownfields Program
 - b. Update on PARTF Grant for Ray's Mill Pond.
9. Closed Session pursuant to N.C.G.S. 143-318.11(a)(6) to consider the qualifications, competence, performance, and conditions of appointment of a public officer or employee.
10. Adjournment

SPECIAL ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES OR IMPAIRMENTS WILL BE MADE UPON REQUEST TO THE EXTENT THAT REASONABLE NOTICE IS GIVEN TO THE TOWN OF ABERDEEN

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AGENDA
ITEM 3a

Minutes
Regular Board Meeting
Aberdeen Town Board

June 16, 2014
Monday, 5:30 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, June 16, 2014 at 5:30 p.m. for the Regular Board Meeting. Members present were Mayor Robert A. Farrell, Mayor Pro-tem Jim Thomas, and Commissioners Pat Ann McMurray, Joe Dannelley, Buck Mims, and Elease Goodwin. Staff members in attendance were Planning Director Pam Graham, Planner Jae Kim, Town Manager Bill Zell, Planner Daniel Martin, Finance Officer Beth Wentland, and Town Clerk Regina Rosy. Reporter for the Pilot Ted Natt and approximately 50 citizens were also in attendance for the meeting.

Mayor Farrell called the meeting to order at 5:30 p.m.

1. Closed Session pursuant to N.C.G.S. 143-318.11(a)(6) to consider the qualifications, competence, performance, and conditions of appointment of a public officer or employee.

A motion was made by Commissioner, seconded by Commissioner, to go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(6) to consider the qualifications, competence, performance, and conditions of appointment of a public officer or employee. Motion unanimously carried 5-0.

The Board returned from Closed Session.

2. Call to Order

Mayor Farrell called the Regular Session to order and thanked everyone for coming.

- a. Pledge of Allegiance.

Mayor Farrell asked everyone to please stand for the Pledge of Allegiance.

3. Setting of the Agenda

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A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner McMurray, to approve the setting of the agenda as presented. Motion unanimously carried 5-0.

4. Consent Agenda

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held except on request by a member of the Board of Commissioners.

- a. Minutes of Special Called Meeting on May 17, 2014, Regular Board Meeting on May 19, 2014, and Work Session on June 2, 2014.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner McMurray, to approve the consent agenda as presented. Motion unanimously carried 5-0.

5. Public Hearings

- a. Conditional Zoning Request CZ #14-01 submitted by Cross Way Church of Worship, Inc.

Mayor Farrell opened the public hearing for Conditional Zoning Request CZ #14-01 submitted by Cross Way Church of Worship, Inc.

Director Graham stated the specific request is to conditionally rezone 25.167 acres from R20-16 to R-20-16-C for a church and accessory facilities. This project is proposed to be developed in 2 phases. The parcel identification # is 00050799, which is located 330' south of the intersection of Ridgeline Road and Sandpit Road.

Director Graham displayed an aerial image that showed the location of the property and surrounding properties.

Director Graham displayed a map of what the full build-out would look like, which would include the church facility, related parking that meet the parking requirements, private road which would be open to the public but maintained privately, 6 single-family residential structures, 12 total multifamily units, cemetery to be used by the church, onsite storm-water pond, a garden, etc. Director Graham stated this property is not

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expected to be parceled out, but rather will remain in the ownership of the church. Director Graham stated the proposal is that the housing will house parishioners and church staff. Director Graham stated the property is located in a protected WSII Watershed Water Supply Overlay District and has received approval by the Watershed Review Board.

Director Graham stated a conditional zoning is a legislative decision which means the Board has very broad discretion of the approval/denial of the project and conditions imposed. Director Graham stated a conditional zoning creates a new district specific to the parcel under consideration, and the approval process imposes the standards for the district.

Director Graham displayed a vicinity zoning map of the property and surrounding properties. Director Graham stated the applicant is proposing to construct a religious complex to include a church with related parking, onsite day care, barn/garden shed, 6 single family dwellings, and 3 buildings with 4 units in each for 12 multifamily housing units, and a cemetery.

Director Graham stated right now multi-family uses are restricted to Aberdeen's R6-10 and B-3 Zoning Districts. Aberdeen has taken efforts to slow the growth of multi-family development to achieve a reasonable balance of residential types. Residential growth has been very steady over the past 2 years, outpacing other local jurisdictions. Most of the homes built during that period have been single family dwellings. Since August 2009, 16 multi-family and 343 single family units have been built, which has lowered the % of multi-family to roughly 33%.

Director Graham stated R20-16 was chosen as the basis for the conditional zoning since the project proposes uses that are largely residential in character.

Director Graham stated the numbers have been run for traffic volume, and 350 vehicle trips per day is the expectation. NCDOT must issue a driveway permit and may require additional analysis.

Director Graham stated the project would require septic systems as sewer is not yet available to the area. Water is available on Ridgeline Road to the north. Applicant will coordinate with Public Works to get water extended to the property. Director Graham stated low impact design is

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recommended to satisfy watershed protection criteria, therefore the applicant is proposing to:

- eliminate curb and gutter and piped stormwater systems
- reduce impervious coverage by limiting sidewalks to one side of the road
- parking spaces limited to the degree feasible
- permeable paving has been proposed for residential parking areas

Director Graham stated this project is consistent with plans adopted by the Town. Director Graham stated the multi-generational residences will fill a need in the community for senior housing. Director Graham stated the community will be walkable and provide recreation on site. 5.58 acres has been set aside for open space.

Director Graham stated the recommended conditions for this project include:

- CZ approval allows the proposed uses of a worship facility, an on-site day care, single family and multi-family residential and a private cemetery. A Conditional Use Permit will not be required if the Conditional Zoning is approved.
- Driveway permit to be issued by DOT prior to construction.
- Applicant to coordinate with Public Works regarding water extension.
- Septic approvals from Moore County to be provided to the Planning Department prior to final site plan approval.
- Cemetery corners to be established and placed on record with Moore County Register of Deeds.
- UDO landscape and screening requirements to be met, with existing vegetation utilized to the greatest degree possible.
- Approval of the CZ is contingent on approval of an inter-departmental site plan review.
- All applicable UDO standards for multi-family uses shall be met. Adherence to these standards to be verified by staff during plan review.

Director Graham stated on May 15, 2014, the Watershed Review Board approved the project for a Special Non-Residential Intensity Allocation. On May 15, 2014, the Planning Board recommended approval of the project to the Board of Commissioners. On June 2, 2014, the Board of Commissioners scheduled the item for public hearing on June 16, 2014 so that the input from the public could be accepted.

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Ms. Tessie Chao, architect with Stagaard and Chao Architects, stated it is the church mission to serve its parishioners and employees, and there is a recognized need for multi-generational housing. Ms. Chao stated these units have private kitchens in each unit, but a common living area that all residents share and develop relationships with each other.

Mayor Pro-tem Thomas asked if the church is already established and moving here, or already exists here. Ms. Chao stated this church is already established and would just be moving to a new location. Mayor Pro-tem Thomas asked who will be residing in the housing. Gary Ashley stated it will be parishioners and church staff that will be living in the housing.

Robert Hayter stated his firm helped arrange the buildings on the site plan, and also complied with the Land Use Plan guidelines. Mayor Farrell asked when the cemetery fills up, is there a plan for an adjacent cemetery to be located on the property. Mr. Hayter stated that was not in his scope of work for this project. Mayor Farrell asked for clarification on if the road would be maintained by the owner, or if it would be dedicated to the Town. Mr. Hayter stated the owner will maintain the road.

Mayor Farrell asked if sidewalks were located on both sides of the road, would that violate the Watershed Guidelines. Mr. Hayter stated yes, sidewalks on both sides of the road would exceed the impervious allowed in this watershed area. Mr. Hayter stated this is not a subdivision, so frankly a trail-like sidewalk in some cases would be adequate for this type setting. Mayor Pro-tem Thomas asked if the Site Plan Phase I does not succeed, and the property goes for sale, would the conditional zoning stay with the land. Mr. Hayter stated the conditional zoning runs with the title of the land, unless the Board changes it.

Director Graham stated condition #2 states that the final site plan and all construction documents must be approved through the interdepartmental review process and shall be in general conformance with the preliminary site plan submitted with this request. Mayor Farrell asked if the property is sold, what would come of the private road. Director Graham stated the private road is part of the parcel, and would transition to the new owner. Commissioner Mims asked if there is a projected time frame for this project. Mr. Hayter stated he does not have

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a timeframe to offer, approval is required in order to move the project forward.

Director Graham stated the recommended conditions in the staff report need to be amended to include the following – condition #14, all applicable UDO standards for multi-family uses shall be met and adherence to these standards are to be verified by staff during the staff review process. Director Graham stated one letter was received from Robert Baillie during the public notification process. Director Graham read the letter from Mr. Baillie, and Mr. Baillie objects to conditional zoning for this project since there are already so many churches. Commissioner Dannelley asked the date of the letter. Director Graham stated there was no date on the letter.

Tom Scarboro stated this project will make this community a better place.

Mary Enroth, stated she is very interested in the multi-generational concept. Ms. Enroth stated the concept is growing nationally.

With no further discussion, Mayor Farrell closed the public hearing on Conditional Zoning Request CZ #14-01 submitted by Cross Way Church of Worship, Inc.

- b. Conditional Zoning Request CZ #14-03 submitted by Jack Berggren for a Craft Brewing Company.

Mayor Farrell opened the public hearing for Conditional Zoning Request CZ #14-03 submitted by Jack Berggren for a Craft Brewing Company.

Planner Kim stated the request is to conditionally rezone a parcel located at 10570 NC Hwy 211 from C-I to C-I-C. The parcel identification # is 20040356. Planner Kim displayed an aerial photograph of the property, and a zoning map indicating where the property is located. Planner Kim stated there is adequate parking for 63 parking spaces. Planner Kim stated the property is 10.461 acres, and the building is 197,000 square feet. Current uses on the site include the following:

- Manufacturer (Casino furniture)
- Automobile (Motorcycle repair/restoration)

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- Data Storage Warehouse
- Entertainment Facility (Aberdeen Fear Factory)

Planner Kim stated adjoining properties are in the Commercial/Light Industrial and R10-10 Districts. Vicinity properties across Highway 211 include R20-16 Districts.

Planner Kim stated the Future Land Use Map from the 2030 plan identifies this parcel as industrial. Retail uses proposed for the site are inconsistent with the plan's industrial designation; however, current zoning considers commercial uses to be appropriate. Planner Kim stated the 2030 plan encourages zoning to mixed use and is currently being used as a mixed-use development.

Planner Kim stated the recommended conditions from the Planning Board include:

- A community meeting is required and has been conducted by the applicant. A summary has been provided to the department.
- Site plan review and approval is required as a condition of approval.
- Approvals from regulatory agencies including, but not limited to NCDOT must be obtained prior to a notice to proceed by the Planning Department.
- Bicycle rack to be installed to meet the Comprehensive Pedestrian/Bicycle Plan.
- Staff is directed to enter Conditional Zoning District C-I-C for property identified by PID #20040356 on the official zoning map and add a label for CZ #14-03 upon final approval.

Planner Kim stated the Planning Board recommended approval of CZ #14-03 with one amended condition.

Mayor Farrell asked what comments were received at the Community Meeting. Planner Kim stated there were 2 attendees at the community meeting. Mayor Farrell asked for a copy of the comments received at the community meeting.

Jack Berggren gave a brief description of his project which includes a future restaurant with pub style foods to go along with the brewery operation. Commissioner Dannelley asked for a timeline for the project.

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Mr. Berggren stated he is currently waiting for approval, and if the project is approved then he will begin the project this August.

Commissioner McMurray asked if the Fear Factory will still exist. Mr. Berggren stated yes, Fear Factory will still be there.

Mayor Farrell asked if there is C-I-C zoning anywhere else. Planner Kim stated there is C-I-C zoning for the Railhouse Brewery, and it is limited to 2/3 of the building. Mayor Farrell wanted to know why Railhouse Brewery's conditional zoning was specific to that business alone, and this conditional zoning is for all of the businesses in that building on the property. Director Graham stated she would need to research and see how the Railhouse Brewery was completed, but typically a zoning goes along with an entire parcel, and not just a part of it. Director Graham clarified that the conditional zoning for Railhouse Brewery is actually I-H-C. Commissioner Dannelley stated he remembers that the business on the other end of the Railhouse Brewery building did not want to be rezoned, and that is why only 2/3 of the building was rezoned.

Commissioner Dannelley asked how this would impact the other leases currently operating in this specific building. Director Graham stated those uses that are already legally operating, would be able to continue operating. Director Graham stated the Board could limit what percentage of the building could be used for the brewing operation. Commissioner Dannelley stated he would be hard pressed to put conditions on the property, since Mr. Berggren owns the entire building.

With no further discussion, Mayor Farrell closed the public hearing on Conditional Zoning Request CZ #14-03 submitted by Jack Berggren for a Craft Brewing Company.

- c. UDO Text Amendment #14-04 Regarding Maximum Building Height in the General Commercial Zoning District.

Mayor Farrell opened the public hearing on UDO Text Amendment #14-04 Regarding Maximum Building Height in the General Commercial Zoning District.

Director Graham stated the request is to consider an increase to the maximum building height in the General Commercial District for hotel uses

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from 35' to 60'. Director Graham stated the UDO currently restricts building heights to 35' in all zoning districts except our two Industrial Districts where the maximum height is 50'.

Director Graham stated Aberdeen's zoning includes 2 districts that are intended for more intense commercial activities outside of the downtown Central Business District. Director Graham stated these 2 districts are the Highway Commercial (HC) and the General Commercial (GC). Director Graham stated as Aberdeen continues to grow, a review of the building height requirements is being undertaken. Director Graham stated permitted uses in the HC and GC Districts that may experience a need for building heights greater than the 35' limit are:

- Hotels
- Office buildings
- Educational facilities
- Churches
- Libraries
- Museums
- Movie Theaters
- Coliseums and stadiums

Director Graham stated the current draft of the 2040 Land Development Plan indicates that greater densities in areas appropriate for more intense uses, and where infrastructure is already available may be advisable. Vertical growth is one way of achieving that objective.

Director Graham stated staff is recommending the Board consider a new standard for hotel uses that would increase the allowable height to 60' only in the GC District. The Board may determine that additional uses and districts may also benefit from a revised standard.

Director Graham stated on May 15, 2014, the Planning Board recommended approval of UDO #14-04 with one opposing vote. And on June 2, 2014 the Board scheduled this item for Public Hearing on June 16, 2014 so that input from the public could be accepted.

Mayor Farrell asked if there is a legal definition of a hotel. Attorney Morphis stated no. Attorney Morphis stated our UDO defines a hotel and a motel, but there is nothing in the statute. Attorney Morphis stated hotels and motels are treated the same in Aberdeen. Director Graham

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read the definition of a hotel from the UDO – “a building used by more than 14 persons who pay for temporary lodging, with or without meals, and in which no provision is made for cooking in any individual room or suite.” Attorney Morphis stated the real distinction is the number of rooms, but generally a motel and hotel are treated the same. Director Graham pointed out that this is proposed to be an extended stay hotel.

Commissioner Dannelley asked if there are any other applicants related to this text amendment. Director Graham stated there are no other submittals at this time.

Bonnie McPeake stated a motel is typically entered from the exterior and is typically no more than 2 stories. Ms. McPeake stated the Hampton Inn is 57', and what she is looking at doing is a 53' tall hotel.

With no further discussion, Mayor Farrell closed the public hearing on UDO Text Amendment #14-04 Regarding Maximum Building Height in the General Commercial Zoning District.

- d. Conditional Use Permit Request CU #14-03 submitted by Sammy McPeake for a Hotel Use in the General Commercial Zoning District.

Mayor Farrell opened the public hearing on Conditional Use Permit Request CU #14-03 submitted by Sammy McPeake for a Hotel Use in the General Commercial Zoning District.

Clerk Regina Rosy swore in Graham and Derek Goddard.

Director Graham stated Sammy McPeake, on behalf of Columbus Midtown Properties, requests a Conditional Use Permit to allow a hotel use on property located at the intersection of South Hill Road and Columbus Drive.

Director Graham displayed a zoning map for the property. Director Graham stated the 5.21 acre property is located just north of Johnson Street, behind Aberdeen Commons Shopping Center. Director Graham stated 3.82 acres will be utilized for this project. Director Graham displayed an aerial image of the property.

Director Graham displayed a proposed site plan for the project. Director Graham stated the site plan has been revised, based on recommendations from the Planning Board.

Director Graham reviewed the adjacent zonings are as follows:

- North – General Commercial
- South – R20-16
- West – General Commercial
- East – Highway Commercial

Director Graham stated the General Commercial Zoning District allows minimum lot areas of 10,000 square feet, minimum lot width allowed is 75 feet, and required setbacks are 15' on the front if side or rear parking is utilized, 0' otherwise; and 15' side and rear setbacks if abuts residential, 0' otherwise.

Director Graham stated the GC District is intended primarily for businesses that serve the local public, but have some accommodations for the traveling public. It is a district that is generally located between the Highway Commercial (HC) District and the B-3 Neighborhood Transitional District.

Director Graham stated because this district is generally adjacent to main thoroughfares where it is subject to public view, uses should provide an appropriate appearance, ample parking, suitable landscaping, and safe pedestrian access and connectivity. Allowable uses in the GC District include retail sales and services, offices, libraries, museums, art galleries, recreation and entertainment uses, restaurants, and motor vehicle repair. Hotels are permitted with a Conditional Use Permit.

Director Graham displayed a front elevation rendering of the hotel, to be called Marriott Towne Place Suites. Director Graham then displayed a rear elevation rendering of the hotel and side elevations. Director Graham stated the proposal includes a 51,755 square feet, four story hotel with 90 guest rooms, parking, and amenities such as a swimming pool. Exterior building materials include brick veneer, fiber cement panels and siding, and a standing seam metal roof.

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Director Graham stated in response to concerns from adjacent property owners, the current site plan allows approximately 160' and 180' from the two homes that adjoin the property.

Director Graham stated 103 parking spaces are proposed for the project. The UDO standard for hotel parking is 1.5 spaces per room (135 spaces), though flexibility is allowed. Fewer spaces may be warranted to reduce impervious surfaces and lighting of the parking lot. Director Graham stated two entrances are proposed – one from Columbus Drive and one from South Hill Road. The anticipated daily vehicle trips is 562 based on ITE standards. 600 trips per day requires a traffic impact analysis. South Hill Road and Columbus Drive are town streets. The UDO requires that sidewalks be installed for new residential and nonresidential developments. A 5' wide sidewalk along all street frontages will meet this requirement.

Director Graham stated public water and sewer are available for the project and Public Works has advised that adequate capacity exists for the use. The property is located in the Town's ETJ, and annexation would be required for the provision of Town services.

Director Graham stated regarding drainage and storm-water management, disturbance of over 1 acre requires approval by NCDENR for sedimentation/erosion control and storm-water design. Planning and Public Works will also review the plans to insure compliance with the UDO's drainage and storm-water requirements. Those requirements include calculated evidence that post-development runoff will not exceed the pre-development conditions.

Director Graham stated the UDO requires landscaping and screening/buffering between parcels for commercial projects. Screening requirements are the most stringent when residential uses are adjacent to a non-residential project. Director Graham stated the Landscape Plan will be reviewed by the Planning Staff for compliance with UDO requirements. Director Graham stated the Lighting Plan will also be reviewed by staff to prevent light pollution onto adjacent properties.

Director Graham stated Chapter 8 of the 2030 Land Development Plan states that the purpose of the plan is to: "encourage growth and new

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development that is compatible with existing development, affordable, aesthetically pleasing, environmentally sensitive, and sustainable.”

Director Graham stated the Future Land Use Map from the 2005 plan identifies this project area as residential, however the zoning map approved with the adoption of the UDO in 2011 designates the area as General Commercial. Though the proposal is not consistent with the Future Land Use map, it is compatible with uses typical to the GC district. Consistency with the plan is not binding but must be addressed during deliberation for the project.

Director Graham stated the Town-adopted Green Growth Toolbox indicates that the property is located in a RCW foraging area. The applicant is being asked to verify that no RCWs exist on the site prior to construction or site disturbance.

Director Graham stated recommended conditions for approval for the project include:

- Any changes to the approved CUP may require an amendment to the CUP or re-application.
- CUP approval approves the proposed use, however all construction detail must be approved by an interdepartmental review process before zoning or building permits may be issued.
- All permits required by other agencies must be in place prior to a notice to proceed.
- Tree removal and mass grading are not authorized by approval of the CUP. Staff will review plans and ensure compliance with tree conservation and landscaping requirements of the UDO.
- A 5' wide concrete sidewalk is required along all road frontages of the property.
- Signage shall be reviewed by staff under a separate process.
- A Lighting Plan shall be submitted for staff review.
- The Board of Commissioners has the authority to reduce the parking requirement to the 103 spaces currently proposed.
- Approval of the CUP does not grant relief from the 35' maximum building height requirement. A UDO text amendment is being considered as a separate item that proposes to relax this standard.

Director Graham reviewed the time table for this item. On May 15, 2014, the Planning Board unanimously recommended approval of the

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proposed project, with conditions. One June 2, 2014, the Board of Commissioners scheduled the item for a Public Hearing for June 16, 2014. Following the Public Hearing, the Board of Commissioners shall make every reasonable effort to make their decision as expeditiously as possible; consistent with their task to ensure that the UDO is complied with.

Town Clerk Regina Rosy swore in Bob Ham, who is representing the builder for this project. Bob Ham stated he is the architect for the project and he provided a brief overview of the project.

Mayor Farrell asked if he feels 103 parking spaces is acceptable. Mr. Ham stated a 1 to 1 ratio, will usually provide an overage of parking, so 103 parking spaces is more than sufficient.

Derek Goddard, with Blue Ridge Environmental Consultants, stated the building has been moved further north to provide more of a buffer to residential homes to the south.

Commissioner Dannelley stated the material he is looking at states that the proposal is inconsistent with the 2030 Future Land Use Maps designation, but there is work being done with the updates to bring it into compliance. Director Graham stated the project is very consistent with existing zoning on the property. Director Graham stated the objective is to bring those 2 items (Land Use Map and Zoning Map) to work better with each other. Commissioner Dannelley confirmed that the inconsistency with the 2 plans does not preclude the Board from moving forward with a decision. Director Graham stated the Board is absolutely not precluded from moving forward with a decision on this item related to the inconsistency, but it is important to be considered.

Danaka Bunch stated she is concerned about the traffic on Columbus Drive and she was wondering if a traffic light is being considered. Mayor Farrell stated that is a DOT road, and if DOT deems the traffic to be heavy enough, then perhaps a light will be considered. Commissioner Mims recommended Ms. Bunch contact NCDOT herself, and the more citizens that express concern about this issue, the better.

Bill Thomas, lives on Johnson Street, stated he is backed up to where the hotel parking lot will be. Mr. Thomas stated he was assured that there would be a fence about 10 feet tall between the residential

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properties and the hotel. Mr. Thomas stated he is not tickled to death, but he is happier than he was at the last meeting.

John Bright, 601 Johnson Street, stated he is glad that this is a Marriott because that brings a good class of people. Mr. Bright asked if patrol will be increased in that area if the hotel comes. Mr. Bright asked what the potential affect is on local property values because of this hotel. Director Graham stated there is no evidence that it would reduce property values. Ms. McPeake stated if everything goes as planned, she hopes to break ground in September 2014. Mr. Bright asked if there will be a bar inside the hotel. Ms. McPeake stated a bar will not be located inside the hotel.

With no further discussion, Mayor Farrell closed the public hearing on Conditional Use Permit Request CU #14-03 submitted by Sammy McPeake for a Hotel Use in the General Commercial Zoning District.

e. Fiscal Year 2014-2015 Budget.

Mayor Farrell opened the public hearing for Fiscal Year 2014-2015 Budget.

Manager Zell presented the 2014-2015 Budget Message. Manager Zell stated this is his 12th budget message. Manager Zell stated General Fund Budget highlights include:

- General Fund - \$6,768,120
- Keeping tax rate at \$0.43
- 3.45% growth over the last year
- Penny of tax \$73,875 at 98.5% collection rate
- New valuation \$750,000,000
- Medical benefits cost rose 8.99%
- Recommending 2% cost of living adjustment for all full-time employees
- Capital expenditures include 4 vehicle purchases for Police Department, dump truck for streets, trailer mounted scissor lift, storage building for salt, and a mini-pumper for Fire Department

Manager Zell displayed a pie chart that shows tax dollars at work and how those dollars are divided among the departments and services.

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Manager Zell displayed a graph that showed how Aberdeen's valuation has grown and also a breakdown of the valuation.

Manager Zell displayed a graph that showed how medical benefits have been contained over the past 12 years.

Manager Zell stated the Town has obtained a Parks & Recreation Trust Fund Grant which will be used for the Ray's Mill Pond project. Manager Zell stated property has been purchased to build a new police station. Manager Zell stated an architect will be hired to begin this process in the upcoming year.

Manager Zell stated revenues are 48.41% ad valorem taxes, and 27.67% intergovernmental (state). Manager Zell stated House Bill 1050 will impact Aberdeen next fiscal year, because Aberdeen will lose revenue for gross receipts.

Manager Zell stated the Water & Sewer System Budget highlights are:

- FY 2015 Budget - \$2,664,093
- Bulk Water Contract with Moore County
- Well #23 – Working with NC DENR
- Well #24 – Working with NC DENR
- Capital expenditures include replacement of old water and sewer lines, Berkley Sewer CDBG project, Seek-tech pipe locator, ground penetrating radar system, and a sewer lateral camera.
- Water and Sewer Rate Increase – 5%. Manager Zell stated this increase is directly related to the increase that Moore County has passed on to the Town for sewer treatment.

Mayor Farrell thanked Manager Zell and his staff for the hard work on this budget. Mayor Farrell stated this new House Bill will make the budget a little more difficult next year.

With no further discussion, Mayor Farrell closed the public hearing on Fiscal Year 2014-2015 Budget.

6. Informal Discussion and Public Comment

- a. Public Safety Concern.

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Lee Bunch, resident on Crest Drive, stated on June 1st he returned from a beach trip and his home had been broken into. Mr. Bunch stated his home was 1 of 7 in the area that was broken into just recently. Mr. Bunch stated he is wondering why vehicles are being purchased for the Police Department, when there are not enough officers to fill the vehicles. Mr. Bunch stated he has asked for increased patrols, but has not seen it. Manager Zell stated the Police Chief is aware of this issue, and the Police Department staff is working very hard on this issue. Manager Zell stated 2 perpetrators were already captured and arrested.

- b. Introduction of Community and Downtown Development Planner – Daniel Martin.

Director Graham introduced Daniel Martin to the Board. Director Graham stated this position will manage the grants the department works with, and also have a strong focus on the development of the downtown area. Director Graham stated Daniel is a graduate from ECU with a bachelor's degree in Urban/Regional Planning. Director Graham stated Daniel has spent the last year working with the Moore County Planning Department, and we are very excited to have him on board.

- c. Aberdeen's Non-Solicitation Ordinance.

Attorney Morphis stated he was contacted by a company called Vivient, Inc. and they are in the business of selling burglar alarm systems door to door. Attorney Morphis stated this company believes that our Code of Ordinances is unconstitutional and needs to be amended. Attorney Morphis stated the Code states you cannot solicit unless you have received an invitation, but there may be constitutional issues with it. Attorney Morphis stated he would like to research this issue further and determine if the ordinance needs to be tweaked or not. Attorney Morphis stated because the ordinance may be too restrictive, he would like to ask the Board to authorize him to contact this company and let them know that these 2 ordinances do not apply to this business while the ordinance is being reviewed. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin, to authorize Attorney Morphis to contact Vivient, Inc. and let them know these 2 ordinances will not apply to them while this issue is being reviewed. Commissioner Mims asked if there are any liability issues with this issue. Attorney Morphis stated he

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does not believe there is any liability at this point. Commissioner Dannelley stated he is pro business in Aberdeen, but he is concerned about moving too quickly with this business and allowing this company to sell door to door. Attorney Morphis stated he does not have any heartburn with telling the company this. Attorney Morphis stated he was trying to be conservative on this issue. Motion failed 2-3, with Mayor Pro-tem Thomas and Commissioner Goodwin voting yes, and Commissioner Mims, Commissioner McMurray, and Commissioner Dannelley voting no.

7. Financial Report

Manager Zell stated the General Fund is \$1,132,642.68 at the end of May. Manager Zell stated noteworthy revenues and expense are listed for review. Manager Zell stated the Water & Sewer Fund is in the red, but he promised there will be black numbers at the end of the fiscal year.

8. Old Business

None

9. New Business

- a. Conditional Zoning Request CZ #14-01 submitted by Cross Way Church of Worship, Inc.

Director Graham stated the public hearing was held this evening and this item is ready for action if the Board desires. Director Graham stated an addition has been recommended to be added to the conditions for this project which is listed as condition #14 – “All applicable UDO standards for multi-family uses shall be met and adherence to these standards are to be verified by staff during the plan review process.”

Commissioner Dannelley asked about condition #9 – “property has access to public water but not sewer, and private septic tanks will be required”, but then in condition #12 it states “water and sewer are both available to the site.” It was determined that he was referring to another project.

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Commissioner Dannelley stated there was a lot of articulate information about this project, and he would recommend moving forward with a decision this evening.

Attorney Morphis provided guidance on how to go through the motions for this item.

A motion was made by Commissioner Dannelley, seconded by Commissioner Mims, that Conditional Zoning Request CZ #14-01 is inconsistent with the 2030 Land Development Plan and the Green Growth Toolbox, but is not inconsistent with the Hazard Mitigation Plan, the Pedestrian Plan, and the Bicycle Plan. Motion unanimously carried 5-0.

A motion was made by Commissioner Dannelley, seconded by Commissioner Mims, to issue approval with conditions of request CZ #14-01 as amended. Motion unanimously carried 5-0.

A motion was made by Commissioner Dannelley, seconded by Commissioner Mims, to issue approval of an Ordinance for a Conditional Zoning District for the Property Located on Sand Pit Road, identified as Parcel ID # 00050799. Motion unanimously carried 5-0.

- b. Conditional Zoning Request CZ #14-03 submitted by Jack Berggren for a Craft Brewing Company.

Director Graham stated the public hearing has been held for this item, and if the Board is prepared, a vote can be held this evening. Commissioner McMurray stated she would like to hold off until there is confirmation that the conditional zoning will affect all of the parcel, versus part of the parcel. Director Graham stated the conditional zoning will affect the entire parcel. Commissioner McMurray stated in that case, she is opposed to this conditional zoning. Commissioner Dannelley stated the intent is to always make sure all Commissioners are clear on the details of the project. Commissioner McMurray stated she felt there needs to be more discussion on this conditional zoning request. Mayor Farrell asked Commissioner McMurray what her specific concern is. Commissioner McMurray stated she just wants more discussion on this item, and she feels this could create restrictions for future businesses at this location. Director Graham stated this conditional zoning does not affect the uses for

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any other businesses currently operating on that property, but rather allows additional uses for the businesses located on this parcel.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that subject to recommended conditions of approval, request CZ #14-03 is not inconsistent with all adopted plans of the Town of Aberdeen including the 2030 Land Development Plan, the Hazard Mitigation Plan, the Pedestrian Plan and the Bicycle Plan, and the Green Growth Tool Box. Motion carried 4-1, with Commissioner Mims, Mayor Pro-tem Thomas, Commissioner Goodwin, and Commissioner Goodwin voting yes, and Commissioner McMurray voting no.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, to issue approval with conditions of request CZ #14-03. Motion carried 4-1, with Commissioner Mims, Mayor Pro-tem Thomas, Commissioner Goodwin, and Commissioner Goodwin voting yes, and Commissioner McMurray voting no.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, to issue approval of an Ordinance for a Conditional Zoning District for the property associated with Conditional Zoning Request CZ #14-03. Motion carried 4-1, with Commissioner Mims, Mayor Pro-tem Thomas, Commissioner Goodwin, and Commissioner Goodwin voting yes, and Commissioner McMurray voting no.

- c. UDO Text Amendment #14-04 Regarding Maximum Building Height in the General Commercial Zoning District.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, that UDO #14-04 is not inconsistent with all adopted plans of the Town of Aberdeen including the 2030 Land Development Plan, the Hazard Mitigation Plan, the Pedestrian Plan and the Bicycle Plan, and the Green Growth Tool Box. Commissioner Mims wanted to know what Aberdeen's definition of hotel was – Attorney Morphis read the definition of hotel. Motion unanimously carried 5-0.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, to amend Section 152-181, the "Table of Density and Dimensional Regulations" as indicated in the draft text amendment. Motion unanimously carried 5-0.

- d. Conditional Use Permit Request CU #14-03 submitted by Sammy McPeake for a Hotel Use in the General Commercial Zoning District.

Mayor Farrell asked about cooking in the kitchens, and since it is not allowed in the UDO, how will that be possible. Attorney Morphis stated the 2011 UDO specifically says you can only change the standards through a conditional use permit if there is an extraordinary circumstance. Attorney Morphis stated his personal view is that it is not extraordinary. Attorney Morphis stated if the Board is inclined to approve this project, he would recommend the Board say in the motion that it is approved, subject to a future text amendment that would allow cooking facilities so the applicant will understand that the conditional use permit is in place and a future text amendment will allow construction of cooking facilities.

Attorney Morphis stated the other option is to use the “extraordinary circumstance” term which is very vague and could be used if the Board so wishes, as long as it is not challenged. Director Graham’s specific reference from the UDO is that the Board may not attach additional conditions that modify or alter the specific requirements set forth in the UDO unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements. Commissioner Mims stated that “extraordinary” could be used in this case, because there will not be another Board meeting for 2 months. Commissioner Dannelley stated he is not hearing any outstanding issues from any Commissioners.

A motion was made by Commissioner Dannelley, seconded by Commissioner Mims, that CU #14-03 is complete as submitted. Motion unanimously carried 5-0.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Dannelley, that CU #14-03 satisfies Finding #1 and will not endanger public health or safety. Motion unanimously carried 5-0.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, that CU #14-03 satisfies Finding #2 and will not injure the value of adjoining or abutting property. Motion unanimously carried 5-0.

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A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, that CU #14-03 satisfies Finding #3 and will be in harmony with the area in which it is located. Motion unanimously carried 5-0.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, that CU #14-03 satisfies Finding #4 and will be in conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Town Board. Motion unanimously carried 5-0.

Commissioner Dannelley questioned Finding #9 from the Findings of Fact. Director Graham confirmed that Finding #9 needs to be removed. Director Graham stated instead, motion 5.5 will need to be added, which states "the Board finds there are extraordinary circumstances that justify the variation from the specific requirements of the UDO due to significant time delay which would delay the project." A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, related to the cooking facilities, to approve adding condition 5.5 that states "the Board finds there are extraordinary circumstances that justify the variation from the specific requirements of the UDO due to significant time delay which would delay the project." Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, to approve CU #14-03 with conditions recommended. Motion was amended by Commissioner Mims, seconded by Commissioner Goodwin to remove Finding of Fact #9. Motion unanimously carried 5-0.

- e. Fiscal Year 2014-2015 Operating Budget Ordinance.

Manager Zell stated the ordinance for the budget is in line item form. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, to approve the Fiscal Year 2014-2015 Operating Budget Ordinance. Motion unanimously carried 5-0.

- f. Fiscal Year 2013-2014 Year-End Budget Amendments.

Finance Officer Wentland stated this is the time of the year where a thorough review is conducted to evaluate which amendments are needed for year-end. Finance Officer Wentland reviewed each of the budget amendments. Commissioner Dannelley asked if there were any surprises

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during the past year in revenues or expenses. Finance Officer Wentland stated there was nothing out of the ordinary that stands out in her mind. Manager Zell stated there were 2 opportunities this past year, which are the two properties that were purchased, and the sidewalk project. Commissioner Dannelley asked what the clean-up # was from last year for budget amendments, for comparison purposes. Manager Zell stated years really can not be compared, due to different circumstances. Finance Officer Wentland stated the budget amendments during last year's budget approval process, were very similar numbers to this year. A motion was made by Commissioners Mims, seconded by Mayor Pro-tem Thomas, to approve the Fiscal Year 2013-2014 Year-End Budget Amendments. Motion unanimously carried 5-0.

- g. Resolution Requesting Funding for Reliance Packaging Rail Spur Repairs & Improvements Project.

Pat Corso, Executive Director with Partners in Progress, stated his purpose here this evening is to seek a Resolution of support from the Town for funding for a new company coming to Town. Mr. Corso stated Reliance Packaging, LLC will be using the building on Highway 5 that sat empty for several years. Mr. Corso stated the owners are currently putting equipment in the facility and anticipate to be in operation by September of this year. Mr. Corso stated the company anticipates creating 60 new jobs and investing \$4 million in the Aberdeen facility over the next 5 years. Mr. Corso stated the facility has an existing rail spur served by Aberdeen Carolina & Western Railroad that Reliance Packaging will use regularly for the delivery of raw materials for their operations. The rail spur requires an estimated \$45,000 in repairs and improvements before it can be safely and effectively used by the company. Mr. Corso stated there are about \$200,000 of repairs to be made to the facility, and he is working with Jamie Boles to try to find State funding to help with the \$45,000 for the rail spur repair. Mr. Corso stated in order to seek State funding, this resolution of support from the Town is needed. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner McMurray, to approve the Resolution Requesting Funding for Reliance Packaging Rail Spur Repairs & Improvements Project. Commissioner Mims stated he is having trouble understanding how the business owner is planning to spend \$4 million in investments and they are \$50,000 short right now for repairs to the rail spur. Mr. Corso stated these guys are not short, they just missed economic development opportunity windows and

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he is just trying to find a way to help them financially. Mr. Corso stated he is just trying to find a way to encourage this business and let them know Moore County wants their business. Motion carried 4-1, with Mayor Pro-tem Thomas, Commissioner Goodwin, Commissioner McMurray, and Commissioner Dannelley voting yes, and Commissioner Mims voting no.

- h. Service Mark and Trademark License Agreement with Nancy Renfold.

A motion was made by Commissioner Dannelley, seconded by Commissioner McMurray, to approve the Service Mark and Trademark License Agreement with Nancy Renfold for a period of 1 year. Motion unanimously carried 5-0.

- i. Volunteer Board Re-appointments.

Director Graham stated appointments to the Planning Board, Historic Preservation Commission, and Appearance & Beautification Commission are needed due to expiring terms and the resignation of one member due to work conflicts. Commissioner Mims stated he does not want to rush through re-appointments and would prefer to table this item to the next meeting.

Commissioner Dannelley wanted to make sure that Sarah Ahmad would be recognized for her service. Item tabled to the August 4, 2014 Work Session.

10. Other Business

- a. CDBG Monthly Status Updates.

- (1) Midway Gardens Grant - #10-C-2207

Close out date of 9/29/2014, award amount of \$250,000. All activities are on schedule.

- (2) 2011 SBEA Grant #11-C-2331

Close out date of 4/16/15, award amount of \$225,000. All activities are on schedule.

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- (3) Berkley Phase 3 Sewer Grant - #12-C-2510

Close out date of 4/17/16, award amount of \$736,000. All activities are on schedule.

- (4) 2012 SBEA Grant #12-C-2438

Close out date of 1/19/16, award amount of \$225,000. Activities are off schedule, due to budget amendment progress.

- (5) Clean Water Management Trust Fund Grant

Close out date of 8/28/14, award amount of \$87,000. All activities are on schedule.

- (6) #2013-088-60501-118 (Meridian Expansion Project)

Close out date of 12/5/15, award amount of \$150,000. Building reuse costs are on schedule, but no grant dollars have been spent yet.

- (7) #2013-125-60501-118 (Project Huggies)

Close out date of 2/27/15, award amount of \$175,000. Building reuse costs are on schedule.

- (8) FY 2014 EPA Brownfields Program

Close out date of 9/30/17, award amount of \$400,000. An advisory board is to be established.

- b. Update on PARTF Grant for Ray's Mill Pond.

Manager Zell stated the Moore County Homebuilder's Association has been contacted about possibly salvaging some materials. Manager Zell stated Carl Kessler came to look at the house to determine if the house can be retrofit. Manager Zell stated if this happens, it would be a separate activity from the grant activities and would have to receive Board approval. Derek Williams is doing a site plan for the rest of the project. The survey has been received from Ryan McBryde. Manager Zell stated he will

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try to line up a time Monday afternoon to meet with the designer, Commissioner Mims, and Mayor Farrell.

- c. UDO Text Amendment #14-02 Regarding the Discharge of Firearms within the Town Limits.

Director Graham stated Dan Kennedy is here this evening, and he feels comfortable with the text amendment. Director Graham stated Mr. Kennedy is proposing to build an Indoor range with 20 separate lanes. Director Graham stated a meeting was held with several parties including the Aberdeen Police Department and discussion included type and caliber of weapons to be allowed at the facility, the interior layout and site changes expected, management and operations, and training expected to be available. Director Graham stated it is expected that a public hearing will be held on this item in August or September.

- d. Advisory Board for the 2014 Brownfields Assessment Program.

Planner Martin stated the Town was recently awarded the FY14 Brownfields Assessment Program offered by the EPA in the amount of \$400,000. Planner Martin stated \$200,000 will be allocated to properties with potential hazardous substance contamination and \$200,000 for properties with potential petroleum contamination. Planner Martin stated this program will officially begin on October 1, 2014 and will end on September 30, 2017. As part of this program, EPA mandates that an advisory board or task force be established and this group can range from 3-12 persons and typically includes civic leaders, business representatives, neighborhood representatives, etc. Planner Martin stated he would request the Town Board to begin deliberating on potential advisory board members. Commissioner Dannelley recommended 6-10 people to serve on this Advisory Board. Director Graham stated an article could be placed in the Bon Accord to ask for volunteers as well.

- e. Joint Meeting with Town Board, Planning Board, and Land Use Plan Steering Committee scheduled for Thursday, June 19, 2014 at 5:30 p.m. at Fire Station to receive a presentation regarding the proposed 2040 Comprehensive Land Use Plan.

11. Adjournment

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A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin, to adjourn the Board Meeting. Motion unanimously carried 5-0.

Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on June 16, 2014

Robert A. Farrell, Mayor

Minutes were approved
on August 18, 2014

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AGENDA
ITEM 3a

Minutes
Special Called Meeting
Aberdeen Town Board

June 30, 2014
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, June 30, 2014 at 6:00 p.m. for a Special Called Meeting to discuss the potential acquisition of the Malcolm Blue Farm and receive input from the public. Members present were Mayor Robert A. Farrell, Mayor Pro-tem Jim Thomas, and Commissioners Pat Ann McMurray, Elease Goodwin, and Joe Dannelley. Commissioner Buck Mims was not in attendance for the meeting. Staff members in attendance were Fire Chief Phillip Richardson, Town Manager Bill Zell, and Town Clerk Regina Rosy. Approximately 50 citizens were in attendance for the meeting.

Mayor Farrell called the Special Called Meeting to order at 6:00 p.m.

Mayor Farrell welcomed former Mayor Betsy Mofield, former Commissioner Alan Parker, and past presidents of the Malcolm Blue Historical. Mayor Farrell asked everyone to please stand for the Pledge of Allegiance.

Mayor Farrell stated the purpose of the meeting is to receive feedback from the public on whether to consider acquisition of the Malcolm Blue Farm. Mayor Farrell stated the membership for the Malcolm Blue Historical Society expired this past December, the bills are mounting up, and there is not enough money to continue the operation of the Malcolm Blue Farm. Mayor Farrell gave a brief history of the Malcolm Blue Farm. Mayor Farrell stated the house at Malcolm Blue Farm was built in 1825 and the house is on the National Registry. Mayor Farrell stated there is a museum full of artifacts from Moore County. Mayor Farrell stated in his opinion the farm needs to be saved, and that is what we are here this evening to discuss is how the farm can be saved.

Commissioner McMurray stated as a former volunteer and participant for the Malcolm Blue Farm, she would really like to see the farm saved. Commissioner McMurray stated there is a wonderful history with the Malcolm Blue Farm. Commissioner McMurray thanked Martha Swaringen for her service to Aberdeen all of these years.

Mr. Ray, who lives down the road from Martha Swaringen in Robbins Walk, gave a brief history of the family that began Malcolm Blue Farm.

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Jerry Vaughn, 707 Midmar Street, stated the Malcolm Blue Farm has been an active part of the community for a long, long time and it would be a shame to see it disappear.

Ellen Marcus, stated she works as the director of the Malcolm Blue Farm. Ms. Marcus stated it takes people, time and money to run the farm. Ms. Marcus stated the history span of the farm is important to her. Ms. Marcus stated the mission of the farm was always education - to teach the whole history of the area. Ms. Marcus stated the farm could be a financial asset to the Town if it is run properly. Ms. Marcus stated with Martha now getting much sicker, she thinks now is the time for the Town to consider acquiring the farm.

Mayor Farrell asked how many paying members were a part of the Malcolm Blue Historical Association at the last meeting. Ms. Marcus stated there were 80-100 paid members. Mayor Farrell asked how the response for volunteers has been recently. Ms. Marcus stated everyone that volunteers with the farm is already pulled in so many different directions, that it is very difficult to get the dedicated hours needed from volunteers.

Frankie Butler shared some additional history of the farm. Ms. Butler stated she really feels the farm will be a great resource for the Town. Ms. Butler stated it is a wonderful place for children to grow up and be rooted to Aberdeen.

Pam Dannelley, past president of Malcolm Blue Farm, stated the history of the farm is really important. Mrs. Dannelley stated her children have participated in many events at Malcolm Blue Farm and they all have a very deep love for the farm.

Mayor Pro-tem Thomas stated he would like to hear from the audience, on what would happen if the Town acquires the property and what would be expected of the Town. Mayor Pro-tem Thomas stated surely no one here is in opposition of the Town acquiring the Malcolm Blue property. Mayor Pro-tem Thomas stated he would like to know the role the volunteers might continue to play in the farm if that happens.

John Jarrett stated he agrees that no person in the room wants to see the farm go away. Mr. Jarrett wanted to know who could sign the farm over to the Town. Mayor Farrell stated a quorum of the last standing Malcolm Blue Board could sign over the title to the property. Mr. Jarrett requested that if the Town decides to take over the property, then he would suggest it be done as a joint venture between the Town of Aberdeen and the Malcolm Blue Historical Society, where the Town of Aberdeen would provide services such

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as mowing, general upkeep, etc. and the Historical Society would run the festivals, events, fundraisers, etc.

Ellen Marcus stated the Pinecrest ROTC has completed a lot of work at the farm. Ms. Marcus stated she sees the potential for partnerships with local schools. Ms. Marcus stated she also envisions perhaps a "Friends of the Farm" group that could work with the Town. Ms. Marcus stated she would be more than willing to volunteer her services in the future for the Malcolm Blue Farm.

Pam Dannelley asked what types of maintenance would be covered by the Town if the Town takes over the Malcolm Blue property. Mayor Pro-tem Thomas stated that is exactly what he would like to know, is what will the Town be agreeing to do if the Town takes over the property.

Bob Martin, stated he is a resident of 5 years, and has worked with Malcolm Blue Farm for 4 years. Mr. Martin stated the main house is overdue for basic maintenance like paint, etc. The museum has 1 of 2 air conditioning units working - the other needs to be repaired. Mr. Martin stated the alarm system is not operating properly. Mr. Martin stated he has been keeping about 2 acres of the land mowed with a push mower, but he can not do the rest. Mr. Martin stated the museum needs to be chemical washed. The stand with the men's and women's bathroom is a big leaky mess and needs to be repaired. The water supply going to the barns does not work, and water has to be hauled from other locations. Mr. Martin stated a good plumber could do wonders for the property.

Lara Blue, stated she has lived here since 1978 and she loves the farm. Ms. Blue stated she would like to see the farm vibrant again, but she would like to do it with the right group of people.

Martha Swaringen stated she believes promotion is needed for Malcolm Blue Farm and designated days should be established for operation. Ms. Swaringen stated a lot of opportunities are missed because the doors are always locked.

Betsy Mofield suggested taking the Malcolm Blue Farm and include in the budget all expenses associated with the farm. Mrs. Mofield suggested a volunteer association could assist with special events, but the Town would pay for all maintenance costs for the farm. Ms. Mofield suggested the Town Board consider accepting the Malcolm Blue Farm wholly and fully, and include all expenses for the farm in the Recreation Budget.

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Connie McCrummen, stated once the financial burden is taken away from the volunteers, the volunteers will come out of the woodwork.

Charlie Needham stated he believes the Town has to take full responsibility for the Malcolm Blue Farm, and then have volunteer groups come in and help with events as needed.

John Jarrett clarified if revenue from special events would go to the Town and the consensus from the group was that it would.

Hal Harkess stated he came to Aberdeen in 2006. Mr. Harkess stated there is approximately a \$10,000 CD that would be given to the Town to go along with the Malcolm Blue Farm property to provide some assistance.

Jennifer Boles stated she lives on E.L. Ives Drive and there is so much that can be done with the Malcolm Blue Farm. Ms. Boles stated she has lists and lists of events that can be done at the Malcolm Blue Farm. Ms. Boles stated once the financial burden is relieved from the Malcolm Blue Farm, then the past volunteers will be more than willing to help where needed to help the farm flourish.

Alan Parker stated he is supportive of the Town taking over the Malcolm Blue Farm and all expenses. Mr. Parker stated the farm has thrived when education was at the forefront. Mr. Parker stated he feels like the Malcolm Blue Farm could mesh really well with the project at Ray's Mill Pond. Mr. Parker stated the Malcolm Blue Farm needs to be a tourist destination with proper marketing.

Commissioner Goodwin stated she would like to give a heartfelt thank you to Martha Swaringen for all of her hard work and she knows how much she cares about the Malcolm Blue Farm.

John Jarrett asked if there might be a mechanism for the County to provide some financial support for the Malcolm Blue Farm if the Town takes over the property. Mayor Farrell stated that would be up to the County to determine.

Commissioner Dannelley stated he wants to make sure the Town makes the best business decision possible. Commissioner Dannelley stated Manager Zell and his staff are fully capable of doing the leg work to determine what is needed to maintain the Malcolm Blue Farm. Commissioner Dannelley stated he would like to propose spending the month of July continuing the conversation to determine what we want the farm to be and how we

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are going to move forward if the Town takes control and ownership of the farm. Commissioner Dannelley stated the Board needs to make sure that they have all of the needed information. Commissioner Dannelley stated it sounds like there is no opposition in the room for the Town to take over the Malcolm Blue Farm. Commissioner Dannelley suggested discussing this issue further at the August 4th Work Session once additional information is obtained. Commissioner Dannelley stated the budget was just recently approved and money was not allotted for this project. Commissioner Dannelley stated he is excited about the enthusiasm from the public. Commissioner Dannelley stated he is confident that the farm can be self-sustaining and potentially get to a zero sum gain/loss at the end of the year, if run properly.

Mayor Mofield asked the Board to consider accepting the Malcolm Blue Farm as a gift to the Town of Aberdeen this evening.

Ken Byrd stated it sounds like the Town Board wants to consider all of the data before making a final decision.

Ellen Marcus stated she does not think there is time to put on a Farmskills Festival this year, but there is still time to do possibly do a school children's day.

Michael Brough stated there are some legal issues regarding the title work for the property, but he does not believe there is anything that can't be resolved.

Connie McCrummen stated she would like to see a show of hands of who all will support the Town in taking over this property. There were many people that raised their hand in support.

Commissioner McMurray stated she is in full support of this project.

Mayor Farrell stated the acquisition of this property is a long term commitment. Mayor Farrell stated the Town Board needs to determine the annual cost to operate the farm before making a decision.

With no further discussion, the meeting was adjourned.

Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on June 30, 2014

Robert A. Farrell, Mayor

Minutes were approved
on August 18, 2014

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AGENDA
ITEM 3a

Minutes
Work Session
Aberdeen Town Board

August 4, 2014
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, August 4, 2014 at 6:00 p.m. for the Work Session. Members present were Mayor Robert A. Farrell, Mayor Pro-tem Jim Thomas, and Commissioners Pat Ann McMurray, Joe Dannelley, Buck Mims, and Eleese Goodwin. Staff members in attendance were Fire Chief Phillip Richardson, Planning Director Pam Graham, Planner Jae Kim, Town Manager Bill Zell, Planner Daniel Martin, Parks & Recreation Director Adam Crocker, and Town Clerk Regina Rosy. Tim Marcham, Richard Gergle, Joe McDonald, Ellen Marcus, Kenneth Byrd and Reporter for the Pilot Ted Natt were also in attendance for the meeting.

Mayor Farrell called the meeting to order at 6:00 p.m.

Manager Zell introduced the new Parks and Recreation Director, Adam Crocker.

1. Malcolm Blue Farm.

Manager Zell stated since the last meeting he has met with Ellen Marcus, and he also had the Building Inspector meet Ellen Marcus at the farm. Manager Zell stated Public Works Director Rickie Monroe also estimated what the costs would be to maintain the farm. Manager Zell stated he recommends the Town maintain the farm property for the remainder of this fiscal year and use the farm on an appointment only basis. Manager Zell stated the farm will more than likely be turned over to the Parks & Recreation Department over the next year, and money can be budgeted for the next fiscal year on running the farm. Manager Zell stated the utilities and maintenance are going to run around \$15,000 for this upcoming year. Manager Zell stated the farm currently has a \$10,101 CD that would come with the farm. Manager Zell stated the County budgeted \$3,700 as a contribution to the farm this year, which the Town will receive this year. And the Town budgeted \$1,375 which adds up to \$15,176 of funds available for this current fiscal year. Manager Zell stated if the Town takes over the Malcolm Blue Farm, then the Town needs to operate the farm, not a group of volunteers. Manager Zell stated the reverter clause prepared by Attorney Morphis only applies to the lot that the house is located on.

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Mayor Farrell stated he understands the deed with the house on it will be separate, but would it make sense to recombine the 4 remaining lots to simplify the deed paperwork, rather than having 4 separate deeds for those lots. Mayor Farrell stated then there would only be 2 deeds for the property, instead of 5. Manager Zell also pointed out the resolution that Attorney Morphis has prepared to be considered for approval this evening. Commissioner Dannelley stated good information has been put together, and what a difference a month makes in information now available. Commissioner Dannelley stated he is pleased with the results from the property assessment. Commissioner Dannelley stated he is ready to take this item to a vote. Mayor Farrell stated the Board would not have been acting prudently if the Board had voted on the acquisition of the Malcolm Blue Farm at the June 30th Special Called Meeting, without knowing the status of the property and the money it would cost to maintain the property. A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to approve the Resolution to Acquire the Real Property and Other Assets of the Malcolm Blue Historical Society and the added four recommendations that the Manager made which include:

- Through the balance of the current fiscal year, the Town will maintain the property, but hold no Town sponsored programming.
- The Town will allow visitors to come to the property on an appointment only basis as is done with the Train Depot using volunteers for all visits.
- The Town will use this year to determine what is needed to be repaired and make a plan to get it done.
- The Town will allow the new Parks & Recreation Director and either the current Parks & Recreation Advisory Board or a newly created Malcolm Blue Farm Advisory Board to figure out what are the best uses and programs during the budgeting process next spring.
- The Town will own the property and run it for continued success.

Motion unanimously carried 5-0. Ellen Marcus thanked the Board for approving the resolution, since it was Martha's dying wish.

2. Discussion of McDonald Farm Property.

Joe McDonald stated he is related to Malcolm Blue, and the McDonald Farm property is another historic site. In 1771, James Ray was given a land grant from the

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King of England. Mr. McDonald stated this is the most historic home in Moore County, is pre-revolutionary war and has stayed in the same family until now. Mr. Ray built a log house on this property, and the house was added onto in the middle 1800s. Mr. McDonald stated the property changed hands briefly in the early part of the last century. Mr. McDonald stated the property is 62 acres, and is under conservation easement, and the acreage cannot be subdivided. Mr. McDonald stated now the farm has passed down to 4 boys and their wives. Mr. McDonald stated the property on the east side can be sold to the State Parks, and the west side can be sold to the Town of Aberdeen only. Mr. McDonald stated more than anything, he just wants to bring this to the attention of the Town Board.

3. UDO Text Amendment #14-02 Regarding the Discharge of Firearms within the Town Limits.

Director Graham stated this item may be scheduled for Public Hearing on 8/18/14. Director Graham stated an avenue is being created in the UDO where indoor firearm ranges can be permitted. Director Graham stated her recommendation is that this type of issue be allowed with a conditional use permit in that district, so the Board will have the ability to add conditions to future such projects. Director Graham stated indoor ranges are completely omitted from the UDO currently, and need to be addressed one way or the other. Mayor Farrell asked if this ordinance will apply to AirSoffe guns too, since a lot of little boys are running around with these types of guns. Commissioner Dannelley stated the purpose of the this amendment is to get the authorized uses correctly identified, and then circle back around and look at the entire amendment as a whole. Director Graham stated she will have Attorney Morphis address the concern of BB guns, AirSoffe guns, etc. and get some clarification. Commissioner Dannelley stated the public hearing for this item is to address the indoor shooting range at hand, but that item can quickly be followed up with an amendment to the UDO to address all of the other concerns. Commissioner Mims stated he would like to sit down with Director Graham in the next couple of weeks and help give some direction on which types of weapons should be addressed in the UDO amendment. Director Graham asked how the Board feels about BB guns and bow and arrows. Commissioner McMurray suggested looking at other communities and seeing how they address this issue. Commissioner Dannelley confirmed that this item will not go to public hearing, and instead Commissioner Mims will sit down with Director Graham and go over this item in greater detail. Director Graham stated she feels comfortable with getting a consensus on what needs to be in the draft before going to public hearing with this

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item. Commissioner Dannelley asked if a month from now would be realistic? Director Graham stated one month is definitely a realistic timeframe.

4. Revisions to the Permitting Fee Schedule.

Director Graham stated there is language in the UDO that requires open space in the amount of 20% of the project for all Single-Family Residential and Manufactured Home Park Developments. Section 152-200 provides for an alternative to this required open space that consists of a payment-in-lieu fee when “the permit-issuing authority determines that the open space and recreational needs of a development required by this section to set aside open space could also be adequately met by public open space and/or facilities constructed on town property that is located close enough to such development to reasonably serve its residents.” At issue is the method described in the UDO for determining the appropriate payment-in-lieu fee. The UDO directs that the acreage of the open space required of the development be multiplied by the dollar value per acre established in the Town’s fee schedule. No such dollar per acre value is listed in the fee schedule currently. Director Graham reviewed the research she did on other communities and how they compute payment-in-lieu fees. Director Graham stated staff recommends that the Board consider the dollar value per acre for open space calculation – tax value at the time of application for the development, or most recent purchase price, whichever is greater. Mayor Pro-tem Thomas stated this seems to be a technique for a builder to buy out of the open space requirement, and he feels like a builder is always going to want to build more houses instead of providing open space. Mayor Pro-tem Thomas stated we need to be very careful about providing this option, or else all developments may end up wall to wall. Commissioner Dannelley stated it seems to him that our UDO already provides this option, it is just not defined how the payment-in-lieu fee is calculated. Director Graham stated she is never going to approve payment-in-lieu of open space requirements unless there is truly a situation where the open space is just not feasible for a project. Mayor Farrell asked if the Planning Director makes the final decision on this. Director Graham stated if it is a decision for a major subdivision, then it would come before the Board for approval. But if it is a minor subdivision, then the Planning Director has the authority to make those decisions. Commissioner Dannelley stated Section 152-200 of the UDO already allows payment-in-lieu fees for required open space, but it is not clear on how it is calculated and that is the reason for this amendment - to clarify how to calculate that amount. Mayor Farrell stated Aberdeen has been burned more than once by developers, and if there is a way to get around requirements, then developers will

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find a way around it. Commissioner Mims stated he likes Durham's method of proportionate amounts. After much further discussion, the Board decided to move on to the next part of this item before making a decision.

Director Graham stated the 2nd item is the commercial building up-fit fees. Staff has discovered a need for clarification of the commercial up-fit fees, which currently require a \$100 base fee + \$0.15 per square foot. Based on research of other communities, 74% of those communities calculate the building up-fit fees based on the cost of construction rather than square footage of the building. Director Graham stated staff recommends that the fee schedule be revised to clarify that commercial up-fit fees are based only on the area(s) where work is proposed.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner McMurray, to revise the fee schedule for commercial up-fit fees to use workable figures of \$100 base fee + \$0.15 per square foot of area where work is being done. Director Graham stated the Building Inspector will calculate the square footage. Motion unanimously carried 5-0.

Back to the first item of this discussion, Commissioner Dannelley stated the question is which method to use to determine the open space calculation. After a great deal of discussion among the Board, Commissioner Dannelley stated the Board could just eliminate the payment-in-lieu option for open space and not even make it an option. Mayor Pro-tem Thomas stated he likes what Salisbury does – 300% of the predevelopment tax value of the required open space area. Commissioner Mims stated he believes this type of decision should not be made by one individual such as the Planning Director, but should go through the Town Board for approval.

Mayor Pro-tem Thomas asked if this has ever come up before. Director Graham stated it came up with the Wayland Street item, and in that case, the Planning Director had recommended payment-in-lieu for the open space requirement. Mayor Pro-tem Thomas recommended the calculation Durham uses. Director Graham stated we could get more if the Board goes with the staff recommendation of tax value at the time of application for the development, or most recent purchase price, whichever is greater. Mayor Pro-tem Thomas stated he would always want the Board to make the decisions on payment-in-lieu for open space requirement. Director Graham stated currently all major subdivisions would come before the Board, it would just be minor subdivisions that staff could consider a payment-in-lieu fee for approval.

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A motion was made by Commissioner Mims, seconded by Commissioner Dannelley, to approve the dollar value per acre for open space calculation – tax value at the time of application for the development, or most recent purchase price, whichever is greater. Motion unanimously carried 5-0.

5. Volunteer Board Re-appointments.

Director Graham stated there are currently openings on volunteer Boards. Planning Director Graham provided staff's recommendations for the appointments.

Commissioner McMurray recommended appointing Ron Utley to a regular in-town member. Commissioner Dannelley stated he would recommend approving the staff recommendations. A motion was made by Commissioner Dannelley, seconded by Mayor Pro-tem Thomas, to approve the staff recommendations which include the following:

- Raymond Lee and Janet Peele be reappointed to the Planning Board with term expirations of June 2017.
- Ron Utley be reappointed as an alternate member to the Planning Board with a term expiration of June 2017.
- Richard Gergle be appointed to the Planning Board as a Regular Member with a term expiration of June 2017.
- Kam Hurst be reappointed to serve on the Historic Preservation Commission with a term expiration of June 2018.
- Eldiweiss Lockey, Janet Peele, and Dale Streicker be reappointed to serve on the Appearance and Beautification Commission with a term expiration of March 2017.

Motion unanimously carried 5-0.

6. Resolution of Support for Local Match Funding Commitment for Pedestrian Projects.

Director Graham stated staff has been notified by NCDOT that a letter will be required from the Town indicating our commitment to provide the required 20% match for any bike and/or pedestrian projects that could be funded with federal dollars through the Strategic Transportation Investments process. This letter must be submitted no later than August 29, 2014. Aberdeen submitted two projects from

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our adopted Pedestrian Plan. The project that is in the best position for funding is the mid-block crossing of US 1 near the Lake Park, with an estimated cost of \$120,000. The 20% required local match would be \$24,000. The 2nd project would to construct sidewalks along both sides of Johnson Street between Panera and Southern Middle School. The estimated project cost is also \$120,000 with a \$24,000 local match. Mayor Pro-tem Thomas asked if these projects came to fruition, when would the Town's \$48,000 match be due and payable. Director Graham stated she does not know the exact answer, but the projects could come up rather quickly if approved. Director Graham stated only projects in an approved transportation plan can move forward in this process.

A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, that the resolution and letter of commitment be approved and executed as written. Motion unanimously carried 5-0.

7. Interlocal Agreement Regarding Address Assignments for E-911 Consistency.

Director Graham stated Moore County has proposed an Interlocal Agreement with all municipalities in the County to provide a consistent process for addressing of properties. The agreement puts in writing a process that the County will assign new addresses so that potential 911 conflicts are avoided, that the County will review proposals for new street names to eliminate conflicts with existing street names, and that the County will notify municipalities of conflicts regarding addresses to coordinate mutual efforts towards resolution.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, to approve the Interlocal Agreement Regarding Address Assignments for E-911 Consistency. Motion unanimously carried 5-0.

Mayor Farrell stated a street sign in Aberdeen needs to be changed from Allison P. to Allison Page Road, since it is a disgrace to the young marine that died in World War I. Director Graham stated she will research that and attempt to get the street sign corrected.

8. Resolution of Intent to Close a Portion of Morehead Avenue.

Director Graham stated a petition to close the portion of Morehead Avenue was submitted by Sammy McPeake. The portion proposed for closure in the petition is integral to the site plan and eventual development of the Towne Place Suites Hotel. Director Graham stated the public hearing for this item will be held on

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August 18, 2014. Commissioner Dannelley made a motion to approve the Resolution of Intent to Close a Portion of Morehead Avenue. Director Graham stated approval of the Resolution of Intent is not necessary. Motion failed for lack of a second. Agenda Item scheduled for Public Hearing on 8/18/14.

9. Midway Gardens Grant Close-Out.

Planner Daniel Martin stated the Town is approaching the end of the Midway Gardens CDBG program. A close-out public hearing will need to be held to finish up this grant. Mayor Farrell asked if all of the houses are finished. Planner Martin stated yes, the houses are finished. Mayor Farrell stated Midway Gardens is a nice looking neighborhood. Agenda Item scheduled for Public Hearing on 8/18/14.

10. Aberdeen Fire/Rescue Department Proposed Organizational Changes.

Chief Richardson reviewed the current organization of the Aberdeen Fire & Rescue Department. Chief Richardson stated the current organization of the department needs to change due to span of control, flexibility, shift coverage, NFPA standard changes, efficiency of the department, safety and ISO requirements. Chief Richardson stated so far this year, there have been 956 calls for service, and 110 were overlapping. 11.5% of the calls between January 1, 2014 and July 21, 2014 were at the same time.

Chief Richardson stated he and his staff have worked really hard to get the ISO rating to a 4. But with the changes for ISO recommended for this year, if these recommended changes are not put in place, it could have an impact on the ISO rating. Chief Richardson stated even though there are many volunteer firefighters for the department, the response rate to calls is only 9.48% for the volunteers. Chief Richardson stated in order to meet state requirements for inspections, there needs to be a 65% increase in inspections. Chief Richardson stated Pinehurst maintains 9 personnel per shift, and handles approximately 1,000 calls per year. Chief Richardson stated Southern Pines maintains 7 personnel per shift, and handles approximately 1500 calls per year. Chief Richardson stated Aberdeen has 4 personnel per shift and are tracking towards 1700 calls this year.

Chief Richardson stated OSFM has increased certification training hours by 10% this year alone. Chief Richardson stated by changing the structure of the department and adding a 2nd Deputy Chief, it will allow the opportunity to have an additional staff person to work on inspections and also be available to get on the fire

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truck if needed for calls. Chief Richardson stated personnel are already in place to take these proposed positions, and would basically create a new position at the bottom for a Firefighter position. Chief Richardson stated this proposed organizational change would also allow for some promotional opportunities within the department.

Commissioner Mims asked for thoughts from Manager Zell. Manager Zell stated it would cost approximately \$45,000 per year to fund this new organization for the Fire Department. Manager Zell stated it would allow some opportunities within the department for advancement, and it would also allow 2 paid personnel to focus on inspections. Commissioner Mims asked if this could be done without raising taxes. Manager Zell stated yes, this could be done without raising taxes, and this would provide a fix to the immediate issues at hand and would increase the number of inspections that could be completed.

Commissioner Mims asked how this would be funded for the remainder of this fiscal year. Manager Zell stated a budget amendment would have to be done.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, to approve the new organizational structure for the Fire Department. Motion unanimously carried 5-0.

11. Update on Ray's Mill Pond.

Manager Zell stated one of the things the Board really needs to decide on is what to do with the house on the property at Ray's Mill Pond. Manager Zell stated we have made every effort to get it moved and the cost for rehab is prohibitive and now it's causing a major delay in the project. Manager Zell stated he recommends we burn it as soon as possible. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Dannelley, to approve burning the house. Motion unanimously carried 5-0.

Manager Zell stated after receiving revised estimated numbers for this project, the total matching amount of dollars from the Town is \$178,328. Manager Zell reviewed the estimated pricing for this project. Mayor Pro-tem Thomas stated he would recommend eliminating the bathrooms for now which is \$142,000. Commissioner Mims stated he would really like to focus on the trail, the pond, and the pier.

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Manager Zell stated he asked the PARTF folks if the project is not completed and the Town turns the money back in, what would happen. Manager Zell stated he was told that Aberdeen would have a black mark forever, which would not be a good thing for future grant opportunities.

Commissioner Dannelley stated it sounds like the plan of action is to burn the house, dredge the lake, build the trail, pier, driveway improvements, site preparations, and signage. Mayor Pro-tem Thomas stated he would recommend just providing porta johns, instead of constructing the bathrooms, in order to cut down on costs. Manager Zell stated he will get started. Mayor Farrell asked Manager Zell to provide updated numbers for this project for the next meeting.

12. Other Business.

- Director Graham stated after reviewing the item again for the road closure on Morehead Avenue, she does in fact need approval from the Board on the Resolution of Intent. A motion was made by Commissioner Dannelley, seconded by Commissioner Mims, to approve the Resolution Declaring the Intention of the Board of Commissioners of the Town of Aberdeen to Consider the Closing of an Unopened Portion of Morehead Avenue. Motion unanimously carried 5-0.
- Manager Zell stated he, Commissioner Dannelley and Mayor Farrell met with Lydian Altman from the UNC School of Government about conducting a strategic planning session with the Town leadership and guidance on how to prepare a roadmap for the Town of Aberdeen. Manager Zell stated he is looking at Saturday, October 11th at Aberdeen Lake Park for a potential date. Manager Zell stated the total cost for the facilitator would not exceed \$2500. Commissioner Dannelley stated he is a believer in putting things in motion in the right way, and he believes the timing is right for the Board of Commissioners and leaders of the departments to get together to effectively transform ideas into action, provide guidance, align resources with community values for the future, and align core government functions with desired strategies. Commissioner Dannelley stated then we can build a common vision that is aligned between departments and Town leaders. Commissioner Dannelley stated this would be an investment for Aberdeen's future. Manager Zell clarified that the October 11th meeting will include instructions on how to develop a roadmap to create a strategic plan, and we will not walk away with our strategic plan on that specific day. Meeting scheduled for Saturday, October 11, 2014.

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- Commissioner Mims stated regarding an economic development opportunity, there has been a lot of discussion about the topic, and unfortunately this topic was not brought before the Town Manager and his staff sooner. The Town would need to pony up \$15,000 for a feasibility study to be completed for the project. Commissioner Mims stated another party has agreed to pay the majority of the cost for the feasibility study, which is a total cost of \$70,000. Mayor Farrell stated just recently he went to a meeting with the proposed developers and Manager Zell, Commissioners Mims, and Mayor Pro-tem Thomas. Mayor Farrell stated this project is time sensitive. Commissioner Mims stated there is always a risk that the project could be a no go, therefore the credibility of the organization doing the study is really important to him. Commissioner Mims stated the principal owner of the company conducting the feasibility study has stated that a number of similar projects have been completed and are very successful. Commissioner Mims stated the credibility of the company conducting the feasibility study has an excellent track record. Mayor Pro-tem Thomas stated he thinks this is an unbelievable investment opportunity. Mayor Pro-tem Thomas asked Manager Zell if any economic development dollars are available in the current budget. Manager Zell stated this would be a budget amendment. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin, to approve paying \$15,000 of the feasibility study for this economic development opportunity. Commissioner Mims stated the meeting he attended answered any questions he could think of regarding this project. Motion unanimously carried 5-0.
- Manager Zell's performance evaluation. Agenda Item scheduled for Closed Session on 8/18/14.
- Mayor Farrell stated he got a letter from Jean Robbins – she and some of her neighbors are concerned about recycling. She has asked that information about recycling be put in the next Bon Accord. Mayor Farrell asked for that information to be included in the next edition of the Bon Accord.

13. Adjournment.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, to adjourn the Work Session. Motion unanimously carried 5-0.

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Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on August 4, 2014

Robert A. Farrell, Mayor

Minutes were approved
on August 18, 2014

MEMORANDUM

FROM: Daniel Martin, Community/Downtown Development Planner
THROUGH: Pam Graham, Planning Director
ITEM: Midway Gardens Closeout Public Hearing
DATE: August 11, 2014

GENERAL INFORMATION

Background: Under CDBG requirements, it is mandatory that a closeout public hearing be held prior to the conclusion of a grant program. This particular closeout public hearing is related to the Town's Midway Gardens infrastructure project. Funds were used to provide water, sewer, and street improvements to the Midway Gardens community. The Town partnered with Habitat for Humanity of the Sandhills for this project which committed to constructing 14 homes; all have been completed and are occupied. Tony Patnode (the Town's grant administrator) with Hobbs Upchurch Associates will be conducting this public hearing. Certified minutes from the meeting will be included in the closeout documentation to be submitted to Division of Community Assistance (DCA) by the September 29th deadline.



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Aberdeen Board agenda. One (1) form per agenda item.

Submitted By: P Graham **Department:** Planning

Contact Phone # 4517 **Date Submitted:** 8/3/14

Agenda Item Title: Resolution of Intent to Close a Portion of Morehead Avenue

Date of Board Meeting to hear this item: 8/18/14

Board Action Requested:	
New Business <input type="checkbox"/>	Information Only <input type="checkbox"/>
Old Business <input type="checkbox"/>	For Action at Future Meeting <input type="checkbox"/> Date _____
Public Hearing <input checked="" type="checkbox"/>	Informal Discussion & Public Comment <input type="checkbox"/>
Other Business <input type="checkbox"/>	Consent Agenda <input type="checkbox"/>

Summary of Information:

Staff has received a petition to permanently close an unopened and abandoned right-of-way known as Morehead Avenue. A Public Hearing will be held on 8/18/14 for the Resolution of Intent so that public input can be accepted on this item.

This item is related to the Marriott Towne Suites project.

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):

Representatives of the project may be in attendance.

MEMORANDUM TO THE BOARD OF COMMISSIONERS

FROM: Pamela Graham, Planning Director
DATE: August 18, 2014
SUBJECT: Resolution of Intent Regarding the Closure of a Portion of Morehead Avenue

Attached for the Board's consideration is a Resolution and Order to Permanently Close a portion of the unopened and abandoned right-of-way known as Morehead Avenue. The petition to close was submitted to the Planning Department by Sammy McPeake, the pending owner of adjacent property along both sides of the portion of Morehead Avenue right-of-way addressed in the petition. The portion proposed for closure in this petition is integral to the site plan and eventual development of the Towne Place Suites Hotel recently approved by the Board as a Conditional Use. An aerial image of the immediate vicinity is attached for reference.

Staff has determined that the first 150 feet of Morehead Avenue leading from its intersection with Johnson Street was acquired by Ms. Barbara Scheid in 2007, through a process known as adverse possession. Ms. Scheid owns property on either side of that section. The remaining portion being proposed for closure in the McPeake petition is landlocked as a result of this action and is of no reasonable benefit to the town.

During their August 4, 2014 Work Session the Board adopted a Resolution of Intent to close the portion of the Morehead Avenue right-of-way that was not acquired by Ms. Scheid in 2007, as shown in the attached preliminary survey. The Board also scheduled the item for Public Hearing for the August 18th meeting, so that public input can be accepted and the Board may consider the order to close.

The closure being considered may be beneficial to the town in that it would remove any maintenance or liability expectations for the property, and it places approximately 10,000 square feet of land back onto the tax roll. There are no future plans to incorporate this portion of Morehead Avenue into the town's transportation network.

Closure of the road satisfies a citizen's request, and as the town has no infrastructure within or legal access to this right-of-way, does not present any immediate constraints on town operations. §160A-299 of the North Carolina General Statutes states "if it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to this property, the council may adopt an order closing the street or alley."

STAFF RECOMMENDATION:

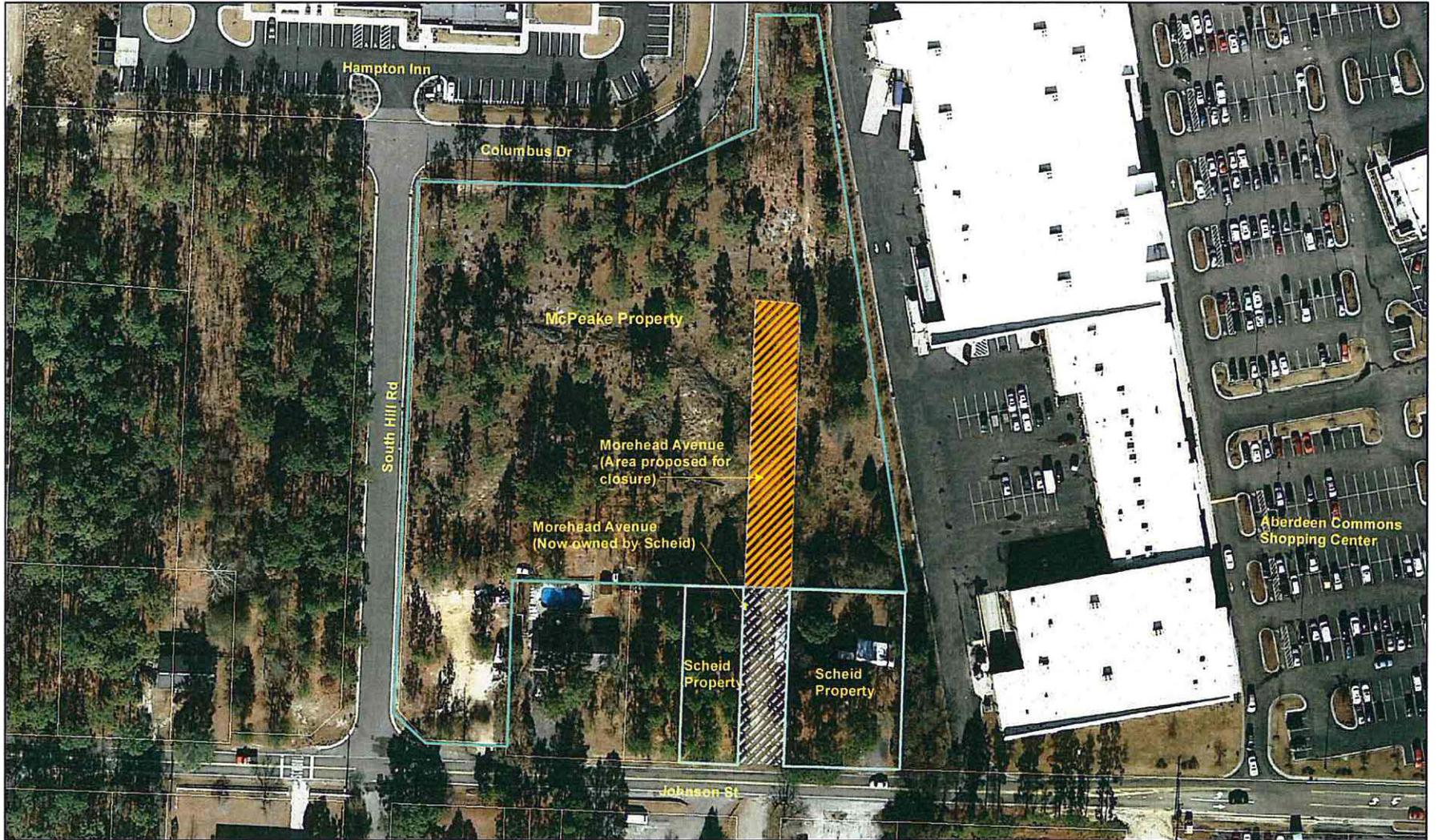
Staff recommends that the Board of Commissioners:

1. Accept public input during the August 18, 2014 Public Hearing, and

2. Consider approval of the attached Resolution and Order to Close the Unopened Portion of Morehead Avenue as depicted in the attached map and legal description.

Enclosures: Aerial image of the Morehead Avenue Closure proposal
Preliminary survey of by Blue Ridge Geomatics of the proposed closure
Street Closing Order for Morehead Avenue
Attachment A – legal description

Morehead Avenue Closure Proposal



**EXHIBIT MAP OF
0.458 ACRE - ROAD ABANDONMENT OF
PORTION OF MOREHEAD AVE.**

FOR
McPEAKE HOTELS, LLC

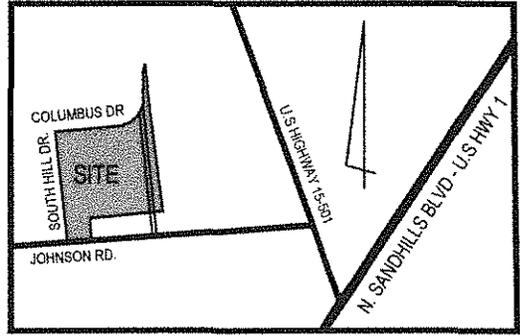
SAND HILLS TOWNSHIP
MOORE COUNTY, N.C.
PROJECT #0600012014

DATE OF MAP: JULY 29, 2014
DATE OF SURVEY: JULY, 2014
DRAWN BY: D. LONG
FIELD CREW: DL, TO



BLUE RIDGE GEOMATICS, PA

SURVEYING | GIS | MAPPING
NCBELS SURVEYING FIRM NC-3576
1325 SOUTH COLLEGE DRIVE
WILKESBORO, NC 28687
PHONE: 336.844.4358
http://brgpa.com



VICINITY MAP

(NOT TO SCALE)

**"THIS MAP IS NOT A CERTIFIED SURVEY
AND HAS NOT BEEN REVIEWED BY A
LOCAL GOVERNMENT AGENCY FOR
COMPLIANCE WITH ANY APPLICABLE
LAND DEVELOPMENT REGULATIONS.
THIS MAP IS FOR ILLUSTRATIVE
PURPOSES ONLY."**



ABERDEEN COMMONS
ASSOCIATES, LLC
D.B. 4284, PG. 209
PARCEL ID #20060116

CONCRETE MONUMENT
FOUND w/DISK
NC GRID-NAD 83
N=511,742.80'
E=1,874,369.12'

POINT OF BEGINNING
NC GRID-NAD 83
1/2" REBAR FOUND
N=511,746.51'
E=1,874,269.98'

BARBARA R. SCHEID
D.B. 450, PG. 825
PARCEL ID #00055277

PORTION OF UNDEVELOPED
MOREHEAD AVE CLAIMED BY
ADVERSE POSSESSION BY
BARBARA SCHEID D.B. 3330, PG. 581

COLUMBUS MIDTOWN
PROPERTIES
D.B. 3207, PG. 332
PARCEL ID #00057192
ZONED "GC" - GENERAL COMMERCIAL

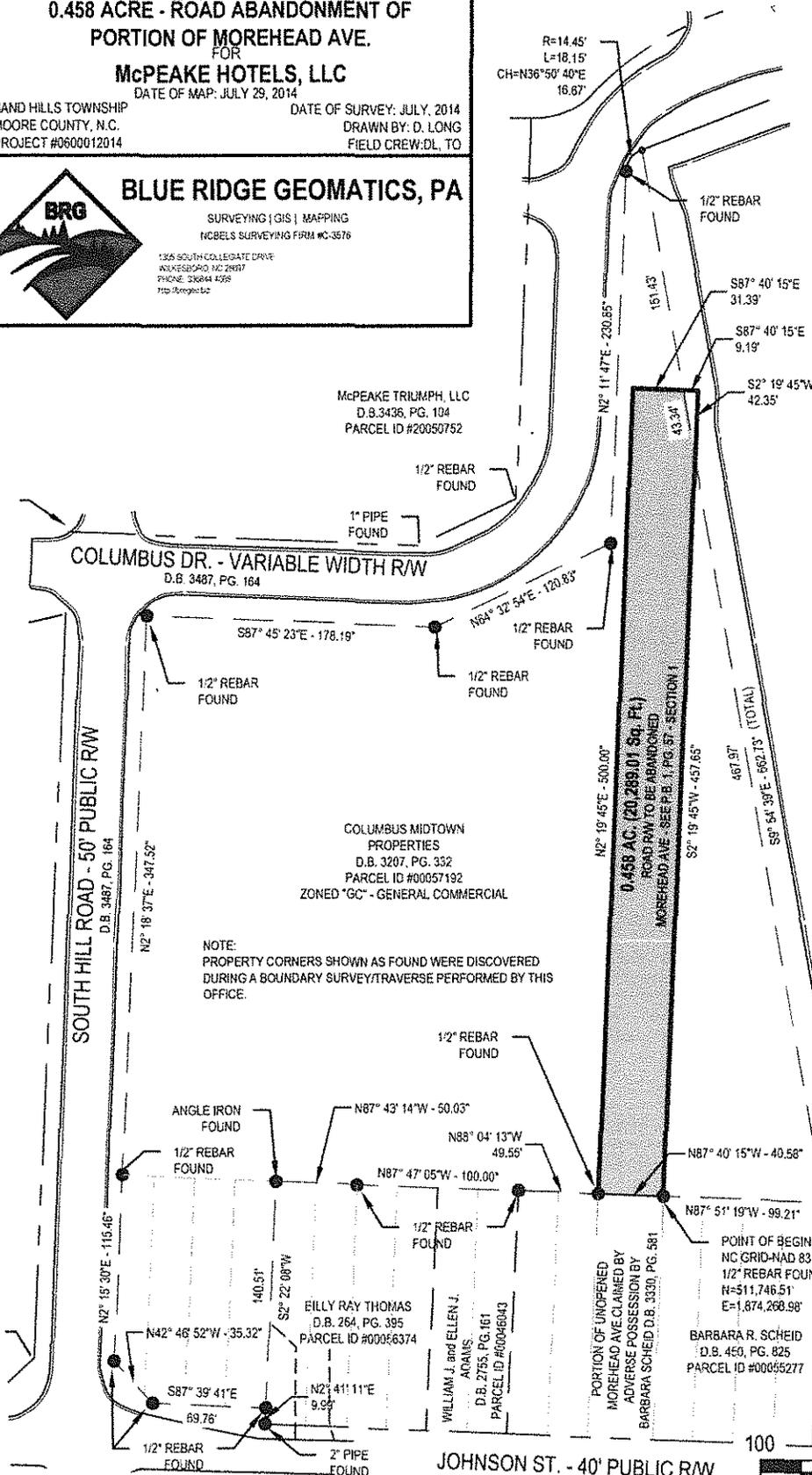
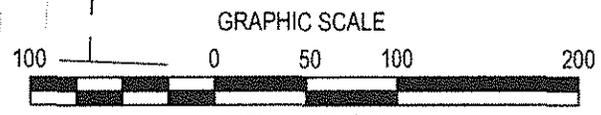
NOTE:
PROPERTY CORNERS SHOWN AS FOUND WERE DISCOVERED
DURING A BOUNDARY SURVEY/TRaverse PERFORMED BY THIS
OFFICE.

McPEAKE TRIUMPH, LLC
D.B. 3436, PG. 104
PARCEL ID #20050752

COLUMBUS DR. - VARIABLE WIDTH RW
D.B. 3487, PG. 164

SOUTH HILL ROAD - 50' PUBLIC RW
D.B. 3487, PG. 164

JOHNSON ST. - 40' PUBLIC RW



STREET CLOSING ORDER

A Resolution Ordering the Permanent Closing of a 500 Lineal Feet Portion of Morehead Avenue

WHEREAS, the Town of Aberdeen Board of Commissioners of the Town of Aberdeen directed the scheduling of a Public Hearing for August 18, 2014 regarding the permanent closure of the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in **Attachment A**; and

WHEREAS, a Resolution of Intent to consider the closure of the same portion of the unopened street or alley referenced in this order was adopted by the Town of Aberdeen Board of Commissioners on August 4, 2014; and

WHEREAS, notice of the closing of said street was sent by registered or certified mail to all owners as shown on County Tax Records of property adjoining the street to be closed; and

WHEREAS, a notice of the closing and public hearing was prominently posted in at least two places along the street to be closed; and

WHEREAS, the notice of the closing and public hearing was published once a week for four successive calendar weeks; and

WHEREAS, this matter came for hearing before the Aberdeen Board of Commissioners at its regular meeting on **August 18, 2014** and all persons who desired to be heard were heard at that time.

NOW, THEREFORE, the Aberdeen Board of Commissioners having carefully considered the question of permanently closing the street or alley or portion thereof as is more fully described in **Attachment A**, finds:

1. That the closing of the street or alley described in **Attachment A** is not contrary to the public interest, and
2. No individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his or her property.

IT IS THEREFORE, ORDERED:

1. That the street described in **Attachment A** is permanently closed under the authority of GS 160A-299(a).
2. That a certified copy of this Order and the plat referred to in **Attachment A** shall be filed in the Office of the Register of Deeds of Moore County, North Carolina.
3. That property owner(s) adjacent to the closed street shall take right, title, and interest as is provided in GS 160A-299(c), as may be further illustrated on the plat referenced in **Attachment A**.
4. The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Moore County a certified copy of this resolution and order.
5. That this Order is effective upon and after the date of its adoption.

Upon motion duly made by Commissioner _____ and duly seconded by Commissioner _____, the above resolution was duly adopted by the Board of Commissioners of the Town of Aberdeen at a meeting held on the 18th day of August, 2014, in the Town Hall.

Upon call for a vote the following Commissioners voted in the affirmative:

and the following Commissioners voted in the negative:

Robert A. Farrell, Mayor

ATTEST:

Regina M. Rosy, Town Clerk

NORTH CAROLINA

MOORE COUNTY

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Board of Commissioners of the Town of Aberdeen, North Carolina, at a meeting held August 18, 2014, at 6:00 o'clock pm at the Town Hall in the Town of Aberdeen.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said Town to be affixed, this the 18th day of August, 2014.

Regina M. Rosy, Town Clerk

NORTH CAROLINA

MOORE COUNTY

I, _____, a Notary Public, do hereby certify that _____, Town Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this ____ day of _____, 2014.

Notary Public

My Commission Expires: _____

ORDER CLOSING MOREHEAD AVENUE

ATTACHMENT A

Being a portion of Morehead Avenue 40' Right-of-Way, as it crosses the lands of Columbus Midtown Properties, as described in Deed Book 3207, Page 332, with the right-of-way being shown on Plat Book 1, Page 57-Section 1, all as recorded at the Moore County Public Registry. Said portion of Morehead Avenue being in the Sandhills Township, City of Aberdeen, Moore County, North Carolina. Also, being on the North Carolina State Plan Coordinate System (NAD '83 – NSRS 2007) and being more particularly described as follows:

Beginning at a ½" rebar found, having North Carolina Grid – NAD 83 coordinates of N=511,746.51', E=1,874,268.98', being N87°51' 19"W 99.21' from a concrete monument found with a disk, having North Carolina grid coordinates of N=511,742.80', E=1,874,368.12'; said rebar found also being on the eastern right-of-way limits of Morehead Avenue, and also being a northern property corner for Barbara R. Scheid, as recorded in D.B. 450, Pg 825, and also the north eastern corner of that portion of Morehead Avenue acquired by adverse possession by Barbara R. Scheid in D.B. 3330, Pg 581, as recorded at the Moore County Public Registry. Thence from said beginning point and running with the northern line of Scheid, N87°40' 15"W 40.58' to a ½" rebar found on the northern line of Scheid, and the western right-of-way line of Morehead Avenue; thence running with the aforementioned western right-of-way line N02°19'45"E 500.00' to a point; thence with the northern right-of-way limits of Morehead Avenue, S87°40' 15"E 31.39' to a point on the common line of Columbus Midtown Properties, (D.B. 3207, Pg 332) and Aberdeen Commons Associates, LLC (D.B. 4284, Pg 209); S87°40' 15"E 9.19' to a point on the eastern right-of-way limits of Morehead Avenue, thence with the aforementioned eastern right-of-way limits S02° 19' 45"W 42.35' to a point, once again crossing the common property line of Columbus Midtown Properties, and Aberdeen Commons Associates, LLC; and continuing with said eastern right-of-way S02° 19' 45"W 457.65' to the **point and place of beginning.**

The above description containing 0.458 acres (20,289.01 Sq. Ft.) by coordinate geometry.

**Town of Aberdeen
Planning Department-Related Grants
Monthly Status Updates**

**ABERDEEN BOARD OF COMMISSIONERS
Regular Board Meeting
MONDAY, August 18, 2014**

**#10-C-2207 / CDBG
(Midway Gardens)**

- Close-out date: 9/29/2014
- Award amount: \$250,000

<u>Activity</u>	<u>Performance</u>
❖ Street Improvements	On Schedule
❖ Sewer Improvements	On Schedule
❖ Water Improvements	On Schedule
❖ Administration	On Schedule

#11-C-2331 / CDBG (2011 SBEA)

- Close-out date: 4/16/2015
- Award amount: \$225,000

<u>Activity</u>	<u>Performance</u>
❖ Administration	On Schedule
❖ Planning	On Schedule
❖ Machinery & Equipment	On Schedule
❖ Commercial Rehab	On Schedule

#12-C-2438 / CDBG (2012 SBEA)

- Close-out date: 1/19/2016
- Award amount: \$225,000

<u>Activity</u>	<u>Performance</u>
❖ Administration	Off Schedule
❖ Planning	Off Schedule
❖ Machinery & Equipment	Off Schedule
❖ Commercial Rehab	Off Schedule

#12-C-2510 / CDBG (Berkley Phase 3 Sewer Project)

- Close-out date: 4/17/2016
- Award amount: \$736,000

<u>Activity</u>	<u>Performance</u>
❖ Sewer	On Schedule
❖ Administration	On Schedule

#07-D-2451 / CDBG (ITPP – Sewer Improvements)

- Close-out date: 2/6/2015
- Award Amount: \$243,000

<u>Activity</u>	<u>Performance</u>
❖ Sewer	On Schedule
❖ Administration	On Schedule

**#2013-125-60501-118 /
Building Reuse
(Project Huggies)**

- Close-out date: 2/27/2015
- Award amount: \$175,000

Activity

- ❖ Building Reuse costs

Performance

On Schedule

**#2013-088-60501-118 /
Building Reuse
(Meridian Expansion Project)**

- Close-out date: 12/5/2015
- Award amount: \$150,000

Activity

- ❖ Building Reuse costs

Performance

On Schedule

#2010-201 / Clean Water Management Trust Fund (Greenway Project)

- Close-out date: 2/28/2015
- Award amount: \$87,000

<u>Activity</u>	<u>Performance</u>
❖ Property acquisition	Extended
❖ Transactional costs	Extended
❖ Project management	Extended

FY 2014 EPA Brownfields Program Community-Wide Petroleum & Hazardous Assessment

- Close-out date: 9/30/2017
- Award amount: \$400,000

<u>Activity</u>	<u>Performance</u>
❖ TBD	TBD

- ❖ *Advisory Board to be established*
- ❖ *Request for Qualifications released on August 1, 2014*
- ❖ *October 1, 2014, start date of cycle*
- ❖ *October 7-9, 2014, regional conference for grantees*