

Minutes  
The Regular Meeting of the  
Aberdeen Planning Board

September 19, 2013  
Thursday, 6:00 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Planning Board met on Thursday, September 19<sup>th</sup>, 2013 at 6:00 p.m. for the Regular Planning Board Meeting. Members present were Chairman Johnny Ransdell, Vice Chair Sarah Ahmad, Janet Peele, Joe Dannelley, and Raymond Lee. Alternates Tim Marcham and Peter Koch were also in attendance. Planning staff members in attendance were Planning Director Pam Graham, Planner Jane Tercheria, and Permit Technician Amy Fulp. Others in attendance were Ken Byrd and Kelvin Watson.

1. Call to Order

Chairman Ransdell called the meeting to order at 6:00 p.m.

2. Introductions of new Planning Board members

Chairman Johnny Ransdell was reappointed for a full three year term. Tim Marcham was appointed as a regular In-Town member; his In-Town term will end June 2015. Ken Byrd was appointed as a regular member for a three year term. Kelvin Watson was appointed as an In-Town Alternate; his Alternate term will end June 2014.

3. Approval of Agenda

Sarah Ahmad made a motion, seconded by Janet Peele, to approve the agenda of the Regular Meeting for September 19, 2013. Motion unanimously carried.

4. Approval of Minutes for the Special Meeting of the Watershed Review Board May 16, 2013. Approval of Minutes for the Regular Meeting of May 16, 2013. Approval of Minutes for the Special Called Meeting of June 10, 2013. Approval of Minutes for the Special Called Joint Meeting of June 10, 2013.

Sarah Ahmad made a motion, seconded by Tim Marcham, to approve the minutes of the meetings listed above. Motion unanimously carried.

The Planning Board wanted to thank Permit Technician Amy Fulp for her excellence in the writing of the minutes.

5. New Business

All parties who would like to give evidence or testimony were sworn in before doing so. Chairman Johnny Ransdell, Tim Marcham, Ken Byrd, and Kelvin Watson were also sworn in to new or reappointed duties.

a. Zoning Text Amendment ZA #13-01 Providing for the Review of the Planning Director's Decision to Approve or Disapprove Minor Subdivision Plats.

Planning Director Graham stated these Amendments have all originated from our Town Attorney who is trying to get us caught up with events in Raleigh with legislation that has come down to the authority of the municipalities and what we can and cannot regulate and how we do it.

Planning Director Graham stated Amendment UDO #13-01 is basically just a clarification. Our UDO does not specify how an agreed party would respond for a minor subdivision decision by the Planning Director. Many of our appeals are done by the Board of Adjustments here at the local level but this one cannot be. This one has to go to Superior Court and the Town Attorney wants us to clarify in this case if the Planning Director made a decision that the applicant wanted to appeal that it go directly to Superior Court.

Motion 1 made by Raymond Lee, seconded by Ken Byrd, UDO #13-01 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 unanimously carried.

Motion 2 made by Janet Peele, seconded by Sarah Ahmad, the Planning Board does recommend approval of UDO #13-01 to the Town of Aberdeen Board of Commissioners. Motion unanimously carried.

b. Zoning Text Amendment ZA #13-02 Regarding Temporary Political Signs.

Planning Director Graham stated UDO #13-02 Amendment is regarding temporary political signs. Our Town Attorney's office wants us to be consistent with the State's Statutes on this. We have an inconsistency

with what the State requires or allows, they do allow temporary political signs on State right-of-ways. Our UDO currently does not allow temporary political signs in right-of-ways at all. Our Town Attorney wants us to amend our UDO so temporary political signs would be allowed in the State right-of-ways so we are consistent with the State regulations, but we will still restrict them on Town maintained streets and right-of-ways.

Sarah Ahmad asked if the corner here on Poplar is State maintained and would temporary political signs be permitted. Planning Director Graham stated if this goes through Poplar is State maintained and the signs would be allowed in the right-of-way.

Planning Director Graham stated they may get DOT to come and mark corners where their right-of-way stops. We could leave these markers up until the end of the election.

Sarah Ahmad asked who will be handling the questions as far as where the signs can be placed. Planning Director Graham stated she will probably be handling the questions and Charles Davis will handle pulling the signs if needed.

Chairman Ransdell pointed out this is a change in the State law. Up until this last sessions legislature the State did not allow signs in the right-of-way. That has been changed and now the Town has to change to accommodate that.

Planning Director Graham stated she didn't think there was any push to allow temporary political signs on Town maintained roads, but that is up for discussion. The Town's Attorney is recommending to just change what they need to follow the State's new requirement.

Sarah Ahmad asked if they vote yes on this are they recommending they maintain the status quo with the Town other than the DOT part. Planning Director Graham stated because they regulate what happens on Town maintained roads, if one of the Boards chose to change the UDO to also allow them on Town maintained roads, they could do that. The Planning Board could recommend this Amendment as is and follow suite with the State or you can amend this for the signs to be allowed on the Town and State right-of-ways.

Sarah Ahmad asked would it be easier for the Town to allow the signs in the Town's right-of-ways so no one would have to pull the signs. Planning Director Graham stated yes but she wouldn't ask the Board to make a decision based on that.

Sarah Ahmad asked what the benefit would be not to allow the signs in the Town's right-of-way. Planning Director Graham stated a lot of our sign ordinance in general goes back to public safety and appearance. We would not allow them to restrict sight distance; we would relocate them instead of pulling them.

Planning Director Graham stated a lot of our violations are typically complaint driven. We just don't have the resources to monitor it. But we won't have any problem going out and following any decision that comes down from this Board or the Commissioners.

Tim Marcham asked does the right-of-way vary among different street areas. Planning Director Graham stated yes. Rickie Monroe is very valuable on the Town streets and he usually knows what the right-of-way width is. Tim Marcham stated they can go 1" beyond the right-of-way width onto private property with permission from the property owner. Raymond Lee stated the difference is now they have to ask permission but if we opened up the right-of-way then a sign can be put up in front of a property owner's home and if it is within the right-of-way they can't do anything about it.

Joe Dannelley asked would the Town be in a position not to follow the State's Legislature. Are we really just trying to get ahead of the game because of the season and get this in and in alignment with State Law? Do we want to just vote on this now, get it going, and see where it takes us in the future?

Sarah Ahmad asked if the Commissioners are looking for any guidance from the Planning Board. Planning Director Graham stated they are always looking for the recommendation but they have not seen it yet, it always comes to the Planning Board first.

Planning Director Graham stated to answer Joe Dannelley's question they always have the option of not following the State's Legislature, but she is sure the Town's Attorney would not advise it.

Joe Dannelley stated this is really procedural in nature; the attorney has made a recommendation to the Town that this should be done in the best interest of following what has changed in the recent State Legislature. It is before us now to discuss, approve, and move to the Town Commissioners. It does open further discussion on how the Town will manage their piece of this.

Chairman Ransdell stated you basically have to comply with the State rules.

Janet Peele asked if someone puts a sign where it blocks her view coming out of the driveway or if it blocks a typical walking path is she allowed to move it. Planning Director Graham stated there should be some provision for that as long as is still in the general area, but she will look this up to make sure and let them know. The safety issue with the sight distance for vehicles will be our safest bet.

Chairman Ransdell stated there is precedence in the right-of-way regulations where you can put things encroachments within right-of-ways. Things like a public utility are allowed, but if it is for a private utility and you run in the right-of-way you have to get approval from the frontage owners of that right-of-way. This would be a good question for someone to look into concerning temporary political signs.

Raymond Lee asked if the State has any regulations on size and how many signs. Planning Director Graham stated yes and they do require that you obtain permission from an adjoining property owner. The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. There are also dimensional and height restrictions.

Sarah Ahmad asked if the penalties for unlawful removal of signs had changed. It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section. Planning Director Graham stated it is current and may have been what was there previously.

Planning Director Graham stated, regardless of what the decision is tonight on a recommendation, when this is put in front of the Board she

would like for them to know about the Planning Board's discussion and there was some consideration of whether they should be allowed or not on Town streets. That can be a part of your motion tonight or you can choose to adopt as it is written and a discussion can be held with the Board regardless and they can make that amendment at that time.

Motion 1 made by Janet Peele, seconded by Ken Byrd, UDO #13-02 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 Too Box. Motion unanimously carried.

Motion 2 made by Sarah Ahmad, seconded by Tim Marcham, the Planning Board does recommend approval of UDO #13-02 to the Town of Aberdeen Board of Commissioners. Motion unanimously carried.

c. Zoning Text Amendment ZA #13-03 Regarding Bona Fide Farms.

Planning Director Graham stated this one is not brand new but it is largely unknown or misunderstood. It relates to the Town's ability to regulate in the ETJ for property that can be defined as a Bona Fide Farm. We have no ability to regulate building code or zoning in these cases.

Planning Director Graham stated the Statute is attached and what the Town Attorney has done is taken the basic language as you see on the ordinance section 1 (E). But the Statute does define how someone would be classified as a Bona Fide Farm; they do have to meet some type of criteria in order for that to happen.

Planning Director Graham stated we have been abiding by this, it is another one that we knew about but it really wasn't reflected in our Ordinance. We are just trying to bring our Ordinance on the same page with the State's Statutes.

Tim Marcham asked does this only deal with ETJ farms and not farms in within the city limits. Planning Director Graham stated yes.

Chairman Ransdell stated he understands this as basically exempting Bona Fide Farms in the ETJ from things like a farmer building a shelter to put his tractor under and he doesn't have to get a building permit. Planning Director Graham stated this also restricts them on the zoning side. They have been following what's before you here now for at least the last two years.

Motion 1 made by Raymond Lee, seconded by Janet Peele, UDO #13-03 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 Too Box. Motion unanimously carried.

Motion 2 made by Sarah Ahmad, seconded by Tim Marcham, the Planning Board does recommend approval of UDO #13-03 to the Town of Aberdeen Board of Commissioners.

## 6. Old Business

### a. General Discussion

Sarah Ahmad stated she would like for the Planning Board members to get together, other than meetings, to get to know each other and make social introductions.

Planning Director Graham stated last year at the holidays they got all the Boards together for a party. It would be good for all the Boards to interact together and have a social event. She will get with other Staff and see what they can come up with, maybe something informal with open conversation.

Janet Peele asked about feedback on the property on Highway 5 that was trying to do the subdivision. Planning Director Graham stated it has been approved by the Town Board based on the recommendation of the Planning Board.

Janet Peele stated the Planning Board had made quite a few suggestions that if it were approved they would like to see, she would like to know if their suggestions were included. Planning Director Graham stated

that all of the conditions that were part of their recommendations were approved.

Sarah Ahmad asked for an update on the CVS and Aldi. Planning Director Graham stated there is not much update. She is watching the construction at Aldi's and our building inspections are still going on. She will be in communication with the developers about the trees at CVS.

Sarah Ahmad asked without being at each Commission meeting how can they track what is being implemented or approved. Janet Peele stated the minutes to the meetings are on the website. Planning Director Graham stated she will look into a way they can get feedback on recommendations, that was made by the Planning Board, without having to look through all the minutes on the website.

Janet Peele asked if the permits pulled in Aberdeen are on the website and is it public information. Planning Director Graham stated it is public information and there is a monthly report that is done and easily accessible.

Chairman Ransdell stated he would like to see on the Agenda an item for General Discussion. He would like to see this as part of the formal meeting. Planning Director Graham stated she would be happy to do that.

Sarah Ahmad asked about the ordinance or statute that was passed on the individual property up near the Kangaroo, will this set a precedent on what the Planning Board will have to look at for future items? Planning Director Graham stated no, she hopes we never see this again here and they should do their business as they normally do. The Town's ordinance and zoning map still stands.

## 7. Adjourn

A motion was made by Raymond Lee, seconded by Joe Dannelley, to adjourn the meeting. Motion unanimously carried.

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Amy Fulp, Permit Technician  
Minutes were completed in  
Draft form on October 14, 2013

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Johnny Ransdell, Chairperson  
Minutes were approved  
on October 17, 2013