

Minutes  
Work Session  
Aberdeen Town Board

January 7, 2014  
Tuesday, 5:30 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Town Board met Tuesday, January 7, 2014 at 5:30 p.m. for the Work Session. Members present were Mayor Robert A. Farrell, Mayor Pro-tem Jim Thomas, and Commissioners Pat Ann McMurray, Buck Mims, and Joe Dannelley. Staff members in attendance were Planning Director Pam Graham, Assistant Public Works Director Harold Watts, Parks and Recreation Director Leigh Baggs, Finance Officer Beth Wentland, Planner Jane Tercheria, Community Development Planner Jae Kim, Town Manager Bill Zell, and Town Clerk Regina Rosy. Jennifer Lambeth, Tim Marcham, Alan Casavant, Maurice Holland, Sr., Kenneth Byrd, Maurice Holland, Jr., Frank McNeill, and Joe Cebina were also in attendance for the meeting.

Mayor Farrell called the meeting to order at 5:31 p.m. Mayor Farrell welcomed everyone in attendance. Mayor Farrell reminded all in attendance that a Work Session is not technically a public forum, and it is really a time for the Board to review and discuss items.

1. Audit Presentation - Jennifer Lambeth w/Dixon Hughes Goodman.

Jennifer Lambeth stated Dixon Hughes Goodman has audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Aberdeen for the year ended June 30, 2013. Ms. Lambeth reviewed the following:

- Statement of Net Position
- Statement of Activities
- Balance Sheet for Governmental Funds
- Statement of Revenues, Expenditures, and Changes in Fund Balance for Governmental Funds
- Statement of Net Fund Position for the Proprietary Fund

- Statement of Revenues, Expenses, and Changes in Fund Net Position for the Proprietary Fund
- Statement of Cash Flows for the Proprietary Fund

Ms. Lambeth stated there was one material weakness, which was a deficit in the Fund Balance for the Greenways Capital Project in the amount of \$7,393. Ms. Lambeth stated the deficit was created as a result of the Town not yet filing for reimbursement of expenditures from grant proceeds, and management has agreed the deficit will be corrected by June 30, 2014. Ms. Lambeth stated there was one significant deficiency discovered - Ms. Lambeth stated grant dollars were used to pay for unallowable expenses (sales tax). Ms. Lambeth stated management will communicate with those employees responsible for grant requisitions to ensure that proper procedures and reviews are in place for the preparation and submission of requisitions. Mayor Farrell asked what grants these unallowable expenses were for. Manager Zell stated it was the grant for the Well 12 filtration, and the SBEA Grant for Davenport's Galaxy and Blue's Crossing Barber Shop. Ms. Lambeth stated the unallowable expenses were immaterial amounts and the Town will refund the unallowable expenditures to the grantor by June 30, 2014.

The Board members thanked Finance Officer Beth Wentland and her staff for all of the hard work that went into the audit.

2. Update on Ray's Mill Pond Park.

Parks & Recreation Director Leigh Baggs stated she and Kristen Hess and Anna Lynch met on December 16, 2013 and discussed the Town's vision and use of the property for Ray's Mill Pond Park. An evaluation of the property and large house was conducted. Director Baggs stated Anna returned to the site on January 6, 2014 to complete the assessment of the large house, including the HVAC system, plumbing, electrical lines and outlets, crawl space and attic. Information and updates on this park project will be included on the Town's website, TV Channel, in each edition of the Bon Accord and Weekly Report updates to keep everyone up to date as progress occurs. Director Baggs gave a brief overview of the project and stated the property was purchased in 2009, and the project is on schedule, and will be able to be used by the citizens of Aberdeen no later than early spring of 2015.

3. Update on Aberdeen Lake Park Sign.

Director Baggs stated staff has looked at several types of signs for Aberdeen Lake Park. Director Baggs distributed some proposed signs and asked for feedback from the Board. After some brief discussion among the Board, Director Baggs stated she will have additional sign information for agenda packets on Friday of this week.

4. Conditional Use Permit #13-02 for Five Lot Major Subdivision submitted by Habitat for Humanity.

Director Graham stated Habitat for Humanity has requested a Conditional Use Permit for a five lot subdivision to be built in the Broadway Community and the public hearing for this item will be held at the next Board Meeting. Agenda Item scheduled for Public Hearing on 1/13/14.

5. 2040 Land Use Plan Status and Appointment of Steering Committee.

Planning Director Graham distributed a list of suggestions she has received for candidates for the Steering Committee. Director Graham stated additional names can be added at any time in the process. Mayor Farrell asked how long will this committee last for, and Director Graham stated 3-6 months total would be a fair estimate. Director Graham stated this committee will have a lot of meat to it, and there will be meaningful results from the work of this committee. Agenda Item scheduled for New Business on 1/13/14.

6. A Resolution to permanently close a portion of an unopened street known as McNeil Street located between Bethesda Avenue and High Street.

Director Graham stated this item was brought to the Board on December 9, 2013. Director Graham stated there are strenuous legal notices, and those legal requirements are on track. Director Graham stated a Resolution of Intent has been approved, the legal notices have taken place, the property has been posted, and the public hearing will take place at the next meeting. Agenda Item scheduled for Public Hearing on 1/13/14.

7. A Resolution Exempting Surveying Work from the Requirements of NC General Statute 143-64.31.

Director Graham stated state statutes require that certain projects be put out to bid when governmental entities are taking on engineering work. This resolution would allow the Town to complete the street closing mentioned previously without having to put the item out to bid. Mayor Farrell stated he would prefer to receive

feedback from the public on this item first at the public hearing, before consideration of approval.

8. Free Standing Signage.

Director Graham stated staff is looking at some text amendments to the sign ordinance language. Mayor Farrell stated the UDO was approved a couple of years ago, and it's important to make sure the sign ordinance language is what it needs to be. Mayor Farrell stated he wants Aberdeen to be unified with the display of signs. Mayor Farrell stated there are signs up that are grand-fathered, but if the property is redeveloped, then he wants to understand what is allowed. Commissioner Mims stated the Moore County Planning Board is currently reviewing this same item, so Director Graham could contact the Moore County Planning Director to gather additional information. Director Graham stated there are holes in the sign language, and she just wants to clarify the language. Commissioner McMurray inquired about the Master Sign Plan. Director Graham stated American Classic Signs was awarded the contract for the Master Sign Plan project, and the signs are currently being manufactured. Commissioner Dannelley asked about a timeline for text amendments to the sign ordinance. Director Graham stated draft language will be brought to the Town Board first, to make sure staff is on the right track, then text amendments will go to the Planning Board for review, then text amendments will return to the Town Board for consideration.

9. Planning Board Appointment for In-Town Alternate Member.

Director Graham stated staff recommends the Board consider options and make an appointment this evening if possible, since staff would like to have the Planning Board fully staffed. Commissioner Dannelley asked Director Graham what her professional opinion was on which candidate should be appointed to this position. Director Graham stated that the Town has three highly qualified candidates to choose from, and the choice is not an easy one. Director Graham stated the Town could not go wrong choosing any of the three candidates, but her recommendation is Ron Utley. Commissioner Dannelley gave an overview of Ron Utley's qualifications. A motion was made by Commissioner Dannelley, seconded by Mayor Pro-tem Thomas, to nominate Ron Utley for the In-Town Alternate Planning Board Member, based on the Planning Director's recommendation. Motion unanimously carried 4-0. Mayor Farrell stated all of the candidates for this position were very qualified.

10. Minor Modification to Conditional Use Permit #07-04 (Legacy Lakes).

Director Graham stated Legacy Lakes was approved as a Conditional Use in 2005 with minimum lot sizes and setback requirements that were not consistent with those required by code for the given zoning district, which was before the UDO was adopted. Director Graham stated McKee Homes recently purchased building lots at Legacy Lakes and are ready to apply for permits for Lots 164-168. McKee is requesting a modification to the previously approved layout of these lots to better accommodate the housing product proposed for construction there. Director Graham stated this request is limited to Lots 164-168, does not change the overall density or setbacks, and lot widths and size will be consistent with others in the immediate vicinity.

Director Graham stated because the lot lines are being moved, she believes it is a discernible impact, which is why this item is before the Board this evening. Director Graham stated market changes have affected Legacy Lakes over the last few years. Joe Cebina, Development Manager for Legacy Lakes, stated the current owner of Legacy Lakes purchased the property in 2012. Forest City was the previous owner. Mr. Cebina stated he has spent the past year trying to figure out Legacy Lakes, and he gave a brief description of the community and the challenges it faces. Mr. Cebina stated he believes this minor modification is critical to the success of Legacy Lakes. Commissioner Thomas was concerned that the homes will not fit in with all of the other homes that are already built in Legacy Lakes. Mr. Cebina stated the public concern aligns with the business concern, and he understands it is critical to have proper segmentation in the development. Commissioner Thomas confirmed this change would not change the zoning of the property. Director Graham stated the modification meets the requirements of the initial Conditional Use Permit for the project.

Director Graham stated on the proposed lot layout for lots 164-168, the dotted line represents the old lot line, and the solid line represents the proposed lot line. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, to approve a minor modification to Conditional Use Permit #07-04 with the following modifications – that all other requirements of CU#07-04 are met; that unless provided as part of a modification, all requirements of the Aberdeen Zoning Ordinance in effect at the time of project approval, except those already amended by the approval of CU#07-04 or subsequently approved modifications shall be complied with, that any approval of this modification request shall be limited to Lots

165-168. Mayor Farrell wanted to confirm that the Board will be notified every time a minor modification like this occurs with Legacy Lakes. Commissioner Dannelley also wanted to confirm that "Item 1b - minor changes" has been satisfied. Director Graham stated she does not believe this is substantial, but rather discernible impact. Commissioner Mims stated these are minor modifications, and the developer will lose a lot of money if the changes are not attractive to buyers and current homeowners, so he feels like this is an aligned effort, since the Town and the developer have the same goal. Commissioner McMurray wanted to clarify the zoning would not change. Director Graham confirmed the zoning would not change for the property. Motion unanimously carried 4-0.

11. Request by McKee Homes for Greater Flexibility in the Approval of Minor Modifications.

Director Graham stated McKee Homes, LLC has approached staff regarding the process for approval of minor modifications to Conditional Use Permits, particularly as it relates to Legacy Lakes. Director Graham stated as additional lot line revisions are anticipated to accommodate McKee housing products, they are requesting a streamlined process, that may include Administrative review only, for approval of these requests.

Staff recommends that the Board consider the request for a streamlined process for approval of minor lot line changes. Options for consideration include:

- The Board may determine that lot line changes within specified parameters do not qualify as having a discernible impact, placing them in the "insignificant deviations" category.
- The Board may entertain a proposal that staff be allowed greater discretion in approving minor lot line changes to Legacy's approved lot layout. In this case, staff recommends that "minor lot line changes" be defined to be within some stated parameter such as a maximum percentage change to the lot size as a result of the lot line revision or a maximum number of feet of change permitted.

Director Graham asked the Board if they would like Town staff to work on language that would allow more flexibility with these types of decisions.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, to allow Planning Staff to approve minor design modifications or changes in permits in regards to Legacy Lakes with the recommendation also that a minor

change would consist of lot revisions resulting in no more than 2% change in lot size to all affected lots or movement of five feet or less unless approved by the Board. Commissioner Dannelley stated he believes the Planning Board should vet this issue first, and then provide a recommendation to the Town Board. Mayor Farrell called for a vote – motion failed 1-3, with Mayor Pro-tem Thomas voting yes and Commissioners Dannelley, McMurray, and Mims voting no.

A motion was made by Commissioner Dannelley, seconded by Mayor Pro-tem Thomas, to have Agenda Item 11 be presented at the Planning Board meeting on January 16, 2014 and a recommendation from the Planning Board be presented to the Town Board at the Work Session on January 28, 2014. Motion unanimously carried 4-0.

12. Resolution to Adopt 2030 and 2040 Population, Employment and Development Projections.

Director Graham stated during the first half of 2013 Planning staff responded to requests from NCDOT for data relative to Aberdeen's projected growth for use in the Moore County Comprehensive Transportation Plan. Director Graham stated a lot of time went into these projected numbers. Mayor Farrell confirmed these numbers are projections only.

A motion was made by Commissioner McMurray, seconded by Mayor Pro-tem Thomas, to adopt the Resolution for the 2030 and 2040 Population, Employment, and Development Projections. Motion unanimously carried 4-0.

13. Proposal for Lot Layout for Bethesda Forest Subdivision.

Director Graham stated staff has been approached by the owners of a 51 acre parcel west and south of E.L. Ives Drive. The developers are seeking feedback and direction on two alternate lot layout scenarios that are being considered for this property. Director Graham stated the property is zoned R20-16. Director Graham stated all major subdivisions that are greater than 3 lots are to be brought before the Board for consideration as a Conditional Use Permit. Director Graham stated although major subdivisions are required to have approval of a Conditional Use Permit, this is not a viable option for this project due to the current proposal's deviations from the dimensional standards required for the district. Director Graham stated upon preliminary review, it is the department's opinion that Conditional Zoning is the most viable option due to the plan's deviation from the

standard dimensional requirements assigned to the R20-16 district where the property is located.

Commissioner Mims questioned why this item has not been before the Planning Board yet and why is the item not going to the Planning Board first. Director Graham stated the Town Board can determine whether the item even needs to go to the Planning Board. Frank McNeill provided some feedback on what he is looking for this evening, which is direction on which of the two plans the Board would prefer.

The fire inspector stated the length of the cul-de-sac was not an issue for access, but he would like documented assurance that the wetlands crossing would not prevent access during heavy rain events with either plan.

Mayor Pro-tem Thomas stated when he looks at R20-16 zoning he looks at 20,000 square foot lots. Mayor Pro-tem Thomas wanted to understand how development can take place in a R20-16 zoning district, and the lots not be required to be 20,000 square foot lots. Alan Casavant explained how he is able to develop the proposed lots in an R20-16 zoning district, which is cluster zoning under the UDO.

After further discussion, Mayor Farrell wanted the Town attorney to be contacted immediately so the Board knows what is going on with the R20-16 zoning district, cluster zoning, and what requirements are in place for development of this property.

14. Aberdeen and Rockfish Property Lease Renewal.

Mayor Farrell stated he received information today on this item, and would like to wait and discuss this item at the next Work Session. Agenda Item scheduled for Work Session on January 28, 2014.

15. IPADs and Electronic Agenda Packets.

Town Clerk Regina Rosy presented information on the convenience and costs savings associated with transitioning paper agenda packets to electronic agenda packets with the use of Apple IPADs. The Board was supportive of the transition.

A motion was made by Commissioner Mims, seconded by Commissioner McMurray, to purchase the proposed IPADs and Verizon Data Plan, with the funds to be used from the Fund Balance, and a future budget line item be used to fund this

item going forward. Motion unanimously carried 4-0. Town Clerk Regina Rosy stated she would get right to work on this, and would strive to have the IPADs in place by the end of the month.

16. Other Business.

- a. Annual Moore County Chamber of Commerce Banquet on Thursday, January 30, 2014.

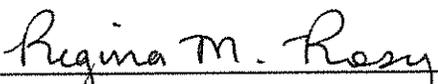
Manager Zell asked which of the Board members would like to attend the Annual Moore County Chamber of Commerce Banquet. Town Clerk Regina Rosy will RSVP for Robbie and Laura Farrell, Joe and Pam Dannelley, Bill and Pam Zell, Buck and Kimberly Mims, and Pat Ann McMurray.

- b. Consider Rescheduling Work Session on Thursday, January 30, 2014 to Tuesday, January 28, 2014.

Manager Zell stated due to the Annual Moore County Chamber of Commerce Banquet being held on the same night as the regularly scheduled Work Session, he would recommend changing the Work Session date. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Dannelley, to reschedule the Work Session from Thursday, January 30, 2014 to Tuesday, January 28, 2014 at 5:30 p.m. Motion unanimously carried 4-0.

17. Adjournment.

A motion was made by Commissioner Mims, seconded by Commissioner McMurray, to adjourn the meeting. Motion unanimously carried.

  
Regina M. Rosy, Town Clerk

Minutes were completed in  
Draft form on January 7, 2014

  
Robert A. Farrell, Mayor

Minutes were approved  
on January 13, 2014

