

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 Eleese 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 Mayor Pro-tem Thomas, seconded by Commissioner Mims, 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

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 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 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. One 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.

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

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.

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)

- 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.

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.

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

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

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.

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

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

proposed project, with conditions. On 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

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.

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.

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

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.

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

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 Dannelley 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 Dannelley 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 Dannelley 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.

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

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

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.

(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

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

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
Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on June 16, 2014

Robert A. Farrell
Robert A. Farrell, Mayor

Minutes were approved
on August 18, 2014

