

Minutes
Regular Board Meeting
Aberdeen Town Board

September 15, 2014
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, September 15, 2014 at 6:00 p.m. for the Regular Board Meeting. Members present were Mayor Robert A. Farrell, and Commissioners Pat Ann McMurray, Joe Dannelley, and Elease Goodwin. Mayor Pro-tem Jim Thomas and Commissioner Buck Mims were not in attendance for the meeting. Staff members in attendance were Planning Director Pam Graham, Planner Daniel Martin, Town Manager Bill Zell, Police Chief Tim Wenzel, and Town Clerk Regina Rosy. Reporter for the Pilot Ted Natt, Tim Marcham, and Paul Compton were also in attendance for the meeting.

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

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

Manager Zell stated staff requested that Item 7f be removed from the agenda, due to a request from Commissioner Mims. Manager Zell stated this item will be moved to the next Work Session, which will be on October 6, 2014. A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to approve setting of the agenda as amended. Motion carried 3-0.

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 Regular Board Meeting on August 18, 2014, Closed Session on August 18, 2014, Work Session on September 2, 2014, and Closed Session on September 2, 2014.

A motion was made by Commissioner McMurray, seconded by Commissioner Goodwin, to approve the consent agenda as presented. Motion unanimously carried 3-0.

4. Informal Discussion and Public Comment

None

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

None

7. Public Hearings and New Business

a. Public Hearing Regarding the Closure of a Portion of Morehead Avenue.

Mayor Farrell opened the public hearing Regarding the Closure of a Portion of Morehead Avenue.

Director Graham stated the public hearing was opened at the last Regular Board Meeting on 8/18/14, and the public hearing was continued to this evening, due to an additional adjoining property owner identified. Director Graham stated the closure is for a portion of an unopened road known as Morehead Avenue, near the intersection of Johnson Street and Columbus Drive. Director Graham displayed an aerial image that showed the full extent of the portion of Morehead Avenue for closure. Director Graham stated any person may be heard on the question of whether or not the closing could be detrimental to the public interest or the property rights of any individual. The Board is tasked with making a determination that this closure is not contrary to the public interest, and 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 his property. Director Graham stated if the Board chooses to close this portion of the unopened street, then interest, rights, and title vests to adjoining property owners to the centerline, and may be altered subject to a plat approval by all owners.

Director Graham stated no Town infrastructure is located within the area proposed for closure. Three parcels are immediately adjacent to the proposed closure. Director Graham stated the parcel to the south, once a portion of Morehead Avenue right-of-way, was acquired by the adjoining property owner in 2007. Director Graham stated a preliminary survey of the area proposed for closure has been provided by the petitioner, and if the Town orders the closure of the road, the survey will be recorded at the County and the property will be transferred to the adjoining property owners according to state statute requirements. Director Graham displayed the preliminary survey.

Director Graham reviewed the timeline for this item which include the following:

- The Board of Commissioners adopted a Resolution of Intent regarding the closure on 8/4/14, as required by State Statute.
- Legal notices regarding the closure were published for four weeks before the public hearing.
- Public Hearing this evening to accept public input.
- Board may make a determination following the public hearing.

Commissioner Dannelley questioned Area B, and if that is what the adjacent property owners will receive. Director Graham explained how the centerline is measured. Director Graham stated the adjoining property owners have been notified by certified mail.

Director Graham stated this survey will become a recorded plat if the road closure takes place. Mayor Farrell asked for confirmation that all legal requirements have been met. Director Graham confirmed that all legal requirements have been met.

With no further discussion, Mayor Farrell closed the Public Hearing Regarding the Closure of a Portion of Morehead Avenue.

- b. A Resolution Ordering the Permanent Closing of a 500 lineal feet portion of Morehead Avenue.

Director Graham stated if the Board feels comfortable moving forward with a decision on the item that was just held for public hearing, then this item is ready for consideration. Commissioner Dannelley asked if this road closure is in any way tied to the project approved prior to the summer break, which is the hotel. Director Graham stated yes. Commissioner Dannelley stated he is satisfied that due diligence has been

done. A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to approve a Resolution Ordering the Permanent Closing of a 500 lineal feet portion of Morehead Avenue. Motion unanimously carried 3-0.

- c. Public Hearing for Rezoning Request #14-03 submitted by James R. Kirkpatrick Revocable Family Trust to rezone properties totaling 17.61 acres located at the intersection of NC Highway 5 and Turning Leaf Way.

Director Graham stated the applicants have requested more time to explore some other options, and in order to not have to re-notice this item, she would recommend the Board open the public hearing and continue to another time.

A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to continue the public hearing to October 20, 2014. Motion unanimously carried 3-0.

- d. Public Hearing for Conditional Use Permit #14-04 for Reliance Packaging.

Mayor Farrell opened the public hearing for Conditional Use Permit #14-04 for Reliance Packaging.

Town Clerk Regina Rosy swore in Director Pam Graham and Paul Compton. Director Graham stated the location is a 4.74 acre property located at the intersection of Highway 5 and Anderson Street. Director Graham displayed the aerial image for the property. Director Graham stated adjacent zonings are as follows:

- North = R20-16 across Highway 5 (ETJ)
- South = C-I (Commercial/Light Industrial)
- West = C-I (Commercial/Light Industrial)
- East = C-I (Commercial/Light Industrial)

Director Graham displayed a vicinity zoning map. Director Graham stated Reliance Packaging proposes to establish an operation that will:

- Extrude plastic film from pellets,
- Print the film using a water based printing solution,
- Convert the film into plastic bags.

Director Graham stated the C-I District is intended primarily for industries that can be operated in a relatively clean and quiet manner that will not be obnoxious to adjacent residences or business districts. The

regulations of this district are designed to prohibit the use of land by heavy industry and to prohibit any other use that would substantially interfere with the development of industrial establishments in the district.

Director Graham stated the Reliance Packaging proposal falls under the UDO description of a manufacturing business with all operations conducted within a fully enclosed building(s). All manufacturing and assembling of goods uses requires a Conditional Use Permit in the C-I District.

Director Graham stated allowed uses in the C-I District include:

- Retail/wholesale sales and rentals
- Offices/retail services
- Manufacturing/assembling of goods
- Trade/vocational schools
- Community centers
- Restaurants/bars/night clubs
- Motor vehicle Sales or Rentals
- Storage Operations
- Kennels and certain types of Agricultural Operations

Director Graham stated uses not allowed in the C-I District include:

- Residential uses
- Schools/churches
- Libraries and other types of civic uses
- Entertainment uses such as bowling alleys and theaters
- Hospitals
- Sexually oriented businesses

Director Graham stated two existing structures on the site (total square footage of 45,000) will be utilized for the manufacturing operation and office and storage. There are no plans for any exterior changes to the existing structures or for new construction on the site.

Director Graham stated there are two existing entrances – one to the main office building and one to the manufacturing building. Both entrances are accessed from Anderson Street. The applicant will coordinate with the railroad for delivery of materials. An existing rail spur accesses the property but has been inactive for some time. Parking is available to meet the UDO requirement of 1 space per shift employee – approximately 30 full-time employees are anticipated per shift.

Director Graham stated water and sewer are both available to the site. The manufacturing process will not use water; water usage is only expected for restrooms and irrigation. Compliance with the UDO's landscaping requirements will be reviewed by staff during site plan review, following approval of the Conditional Use Permit.

Director Graham stated the applicant has submitted a sign permit application to staff for a wall sign for the office building. An existing sign representing the previous tenant will be removed.

Director Graham stated plan conformity with adopted Town plans is as follows:

- The 2030 Land Development Plan identifies the area for this proposal as commercial/industrial.
- No specific proposals for this area are addressed in other plans adopted by the Town.
- During their August 21, 2014 meeting, the Planning Board recommended approval of CU #14-04 by unanimous vote.

Director Graham stated recommended conditions for approval include:

- Conditional Use Permits run with the land and as such this CUP applies to the entirety of the property reflected in PID #0046225.
- Approval of the CUP is contingent on approval of site and building plans during an inter-departmental review.
- Any and all required permits from other regulatory agencies must be in place prior to a notice to proceed provided by the Planning Department.
- Final site plan must include a detailed landscaping plan to address landscaping and screening requirements of the UDO, including shade tree requirements for parking areas.
- Approval of the CUP shall not imply approval of signage. Sign permit applications consistent with the UDO shall be reviewed and approved by the department prior to installation.
- The facility operations will be required to comply with Town of Aberdeen noise regulations.

Director Graham reviewed the project timetable:

- On 8/21/14 the Planning Board unanimously recommended approval of the proposed project, with conditions.
- On 9/2/14 the Board of Commissioners scheduled the item for a public hearing during this evening's Regular Board Meeting.

- 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.

Mayor Farrell asked about the rail spur. Paul Compton stated the crossing needed to be repaired, and the higher gauge rail was installed. Mayor Farrell stated 60 positions will be hired by this company, and he was wondering how candidates should apply. Mr. Compton stated applications are to be submitted through the NC Employment Security Commission. Commissioner Dannelley thanked Ted Natt for the article he wrote for the Pilot regarding this project.

With no further discussion, Mayor Farrell closed the public hearing for Conditional Use Permit #14-04 for Reliance Packaging.

- e. Consider action on Conditional Use Permit #14-04 for Reliance Packaging.

A motion was made by Commissioner McMurray, seconded by Commissioner Dannelley, to approve CU #14-04 is complete as submitted. Motion unanimously carried 3-0.

A motion was made by Commissioner McMurray, seconded by Commissioner Goodwin, that CU #14-04 satisfies Finding #1 – will not endanger public health or safety. Motion unanimously carried 3-0.

A motion was made by Commissioner Dannelley, seconded by Commissioner McMurray, that CU #14-04 satisfies Finding #2 – will not injure the value of adjoining or abutting property. Motion unanimously carried 3-0.

A motion was made by Commissioner Dannelley, seconded by Commissioner McMurray, that CU #14-04 satisfies Finding #3 – will be in harmony in the area in which it is located. Motion unanimously carried 3-0.

A motion was made by Commissioner Goodwin, seconded by Commissioner Dannelley, that CU #14-04 satisfies Finding #4 – will be in conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Town Board. Motion unanimously carried 3-0.

A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to recommend approval with conditions of CU #14-04 with the six conditions listed. Motion unanimously carried 3-0.

- f. Architect Recommendation for the Aberdeen Police Department.

Removed from agenda.

- g. Appearance and Beautification Commission Appointment.

Director Graham stated there is an application for the open seat on the Appearance and Beautification Commission, submitted by Stephen Greer. Commissioner Dannelley questioned if Mr. Greer is an in-town resident since his address is listed in Carthage. Director Graham stated Mr. Greer does live in the Aberdeen city limits, and perhaps he is using his work address which is in Carthage. Commissioner Goodwin stated Mr. Greer lives on Poplar Street. A motion was made by Commissioner Goodwin, seconded by Commissioner McMurray, to appoint Stephen Greer to the Appearance and Beautification Commission with a term expiration of March 2016. Motion unanimously carried 3-0.

- h. Advisory Board Appointments for EPA Brownfields Assessment Program.

Planner Daniel Martin stated under the 2014 EPA Brownfields Assessment Program, it is mandatory that an advisory board be established. Interested applicants were required to submit an executed application no later than September 1st. Planner Martin stated Tim Marcham, Raymond Lee, and Richard Gergle are the three candidates that have met the requirements. Planner Martin stated staff members that have agreed to serve include and Public Works Director Rickie Monroe, and Fire Chief Phillip Richardson, and himself. Commissioner Dannelley asked if this committee will be locked in at 6 members. Planner Martin stated he would like to lock the committee in at 6 members and move forward. A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to appoint Timothy Marcham, Raymond Lee, Richard Gergle, Daniel Martin, Rickie Monroe and Phillip Richardson to the 2014 Brownfields Assessment Program Advisory Board. Motion unanimously carried 3-0.

- 8. Other Business

- a. Grant Updates

- (1) Midway Gardens Grant - #10-C-2207 (on schedule)
- (2) 2011 SBEA Grant #11-C-2331 (on schedule)
- (3) 2012 SBEA Grant #12-C-2438 (on schedule)
- (4) Berkley Phase 3 Sewer Grant - #12-C-2510 (on schedule)
- (5) ITPP – Sewer Improvements Grant - #07-D-2451 (off schedule)
- (6) Building Reuse Grant (Project Huggies) - #2013-125-60501-118 (off schedule)
- (7) Building Reuse Grant (Meridian Expansion Project) - #2013-088-60501-118 (on schedule)
- (8) Clean Water Management Trust Fund Grant - #2010-201 (on schedule)
- (9) FY 2014 EPA Brownfields Program (on schedule)

Planner Martin stated all grants are on schedule, with the exception of 2 grants. Planner Martin stated the ITPP Sewer Improvements project is off schedule due to the job creation piece of the grant. Planner Martin stated the ITPP grant has a close-out date of 2/6/2015, and the company has committed to an additional 33 full-time jobs.

Planner Martin stated the Building Reuse grant is also off schedule - there is a 6-month maintenance period, and once 35 new full-time jobs are created then the project will be on schedule. Planner Martin stated a 1 year extension will be requested for this grant. Planner Martin stated 12-15 part-time employees have been hired since August. Planner Martin stated the business owner has a blitz approach – and prefers to hire temporary employees on a part-time basis to see if they work out before hiring them full-time. Planner Martin explained there have been challenges filling the positions, due to the inability of finding skilled mechanical workers in the area. Commissioner Dannelley stated next month, he would like to hear how many of the temp positions have transferred to full-time employment beyond 90 days. Commissioner Dannelley asked if the Town is penalized for not meeting a requirement of the grant if it is out of the town's control. Manager Zell stated there is a \$7,000 charge per job that is not created, that has to be returned from the grant funds expended.

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

Manager Zell stated there is nothing really to update since last Friday's weekly report. Manager Zell stated he and Rickie Monroe are

meeting with Foster Pond and Lake tomorrow at 10:00 a.m. to hopefully begin the permitting process to begin the dredging of the lake.

- c. Mayor Farrell read a Letter from Moore County Historical Association – a memorial was made to the Malcolm Blue Farm in honor of Martha Swaringen.
 - d. Manager Zell stated the Citizen’s Academy Program will begin on September 30th. Letters have been sent to participants from the last 3 classes to recruit additional members.
9. Closed Session pursuant to 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

A motion was made by Commissioner Dannelley, seconded by Commissioner McMurray, to go into Closed Session pursuant to 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Motion carried 3-0.

The Board returned from Closed Session.

10. Adjournment

A motion was made by Commissioner McMurray, seconded by Commissioner Dannelley, to adjourn the Board Meeting. Motion unanimously carried 3-0.

Regina M. Rosy, Town Clerk

Robert A. Farrell, Mayor

Minutes were completed in
Draft form on September 15, 2014

Minutes were approved
on October 20, 2014