

Minutes of Board Meeting - February 23, 2015
Regular Board Meeting
Aberdeen Town Board
A motion was made by Mayor Pro-tem Thomas, seconded by
February 23, 2015 at **Robert N. Page Municipal Building**
Monday, 6:00 p.m. in **Aberdeen, North Carolina**

The Aberdeen Town Board met Monday, February 23, 2015 at 6:00 p.m. for the Regular Board Meeting. Members present were Mayor Robert A. Farrell, Mayor Pro-tem Jim Thomas, and Commissioners Joe Dannelley and Buck Mims. Commissioners Elease Goodwin and Pat Ann McMurray were not in attendance for the meeting. Staff members in attendance were Planning Director Pam Graham, Planner Daniel Martin, Planner Jae Kim, Town Manager Bill Zell, Police Chief Tim Wenzel, Deputy Chief Carl Colasacco, Deputy Chief Todd Weaver, Captain Josh Kirk, Captain Craig Armstrong, Officer Christina Ricks, Officer Jesse Smith, Officer Farley Bowers, Officer Brian Chavis, Officer Justin Newberry, and Town Clerk Regina Rosy. Kenneth Byrd, Tim Marcham, Maurice Holland, Sr., Ron Jackson, Marbella Zarco, Lori Williams, Bill Baker, Chris Gilder, Eric Ross, and Reporter for The Pilot Ted Natt were also in attendance for the meeting.

Mayor Farrell called the meeting to order at 6:03 p.m.

1. Call to Order

Manager Zell stated the General Fund for the year ended 12/31/14 was \$2,800,833.33. Manager Zell stated noteworthy revenues included water sales tax at \$118,782, and loan proceeds from the financing of the Water/Sewer Fund. Mayor Farrell asked everyone to please stand for the Pledge of Allegiance.

2. Setting of the Agenda

Manager Zell stated he requests that Item #9 be removed from the agenda, since two Commissioners are not present this evening. A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, to approve the setting of the agenda as amended. Motion unanimously 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 Board Meeting on January 26, 2015 and Work Session on February 9, 2015.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, to approve the consent agenda as presented. Motion unanimously carried 3-0.

4. Informal Discussion and Public Comment

- a. Promotion of Master Police Officer Jessie Smith.
Chief Tim Wenzel read a short biography of Jesse Smith. Chief Wenzel presented Officer Jesse Smith with his badge for Master Police Officer. Mayor Farrell congratulated Officer Smith on his promotion. Mayor Farrell also thanked the Police Department for all of their hard work in protecting the citizens of the Town of Aberdeen.
- b. Mayor Pro-tem Thomas thanked all of the public service workers for their hard work during the recent inclement weather.

5. Financial Report

Manager Zell stated the General Fund thru the end of January is \$800,890.23. Manager Zell stated noteworthy revenues include R&P tax in December at over \$530,000, sales tax was at \$116,765, and loan proceeds from the financing of the police cars at \$128,000. Manager Zell stated the new dump truck was received with an expense of \$95,836. For the Water/Sewer Fund, January was a billing month, and ended up in the black at \$5,246.93. Mayor Farrell asked if the dump truck has arrived yet. Manager Zell stated yes, the dump truck is at Public Works.

6. Old Business

None

7. Public Hearings and New Business

- a. Continuation of Public Hearing for Conditional Use Permit #14-07 for a Night Club in the Highway Commercial District.
Town Clerk Regina Rosy swore in Marbella Zarco and Director Pam Graham.

Director Graham stated this is a continuation of this public hearing, in order to review the security plan. Director Graham stated this is a request to permit a nightclub at Sandhills Shopping Center on NC Highway 5. Director Graham stated the proposed use would be located in the old Party Poopers building. Director Graham displayed some photos of where the proposed nightclub would be located, along with an aerial image.

Director Graham stated the shopping center is located in the HC Highway Commercial District. Director Graham stated the district is generally located adjacent to main thoroughfares where it is subject to public view, uses within the district should provide an appropriate appearance, ample parking, suitable landscaping, and safe pedestrian access and connectivity.

Director Graham stated the vicinity zoning is mostly HC, with the exception of a Manufactured Home zoned property off the southwest corner across Ampersand Road. The nearest residence is located approximately 435 linear feet from the building, on Ampersand Road.

Director Graham displayed a zoning map of the area.

Director Graham stated the security plan as proposed by the applicant includes:

Security personnel will be hired for the interior and exterior of the establishment at a ratio of 2 security personnel per every 100 occupants; Search and scan will be completed on each customer at the front door using metal detectors. Purses will be searched for those individuals who set off the

- Security staff will regularly patrol the establishment to regulate the potential for unruly customers and underage drinking;
- The exterior of the building will also be patrolled at intervals of no less than 15 minutes;
- For 30 minutes following closing time security staff will be stationed outside to assist and encourage customers to leave safely;
- Video cameras will be mounted inside and outside the establishment to monitor activities from a continuously staffed control room;
- Staff members and security personnel will be equipped with radios to facilitate communication;
- Disorderly customers will be ejected/escorted out;
- All customers must present an ID prior to entering the premises;
- Customers under 18 will not be permitted to enter;
- Customers 18-21 will have a band placed on their wrist that indicates they are under 21;

- Customers 21 and over will have a different colored wristband;
- Anyone observed without a wristband will be required to verify their age with ID or must leave the premises;
- Anyone drinking alcohol under the age of 21 will be escorted from the building;
- A staff person will be stationed at the restroom doors to prevent drinks from being taken in and possibly exchanged;
- Customer access will be permitted only through the front door – the rear door will have panic door hardware installed to prohibit entry and allow exit only in emergencies;
- Existing lighting on the building's exterior will be supplemented at the back of the building;
- A video camera will also be installed at the back door;
- A dress code will be enforced that will prohibit gang or drug related clothing.

Director Graham displayed a photo of the back parking area and the alley between the two buildings which has lights, but Ms. Zarco would be willing to add additional lighting if needed. Director Graham stated lamp posts are all along the parking lot on the back. Director Graham displayed an image of what the wristbands would look like. Director Graham also presented the research that Ms. Zarco has completed to determine how many security personnel to have on staff. Director Graham read from the document provided by Ms. Zarco "For normal club operations, the rule of thumb is a security person outside your venue and in every main room and/or area. In a large room, the rule of thumb is one security staff to 100 patrons." Director Graham stated an assessment of the security plan by the Police Chief has been provided and includes the following comments:

- Concerns that the venue is located close to a high crime area;
- Concerns regarding the mixing of underage 18-20 year olds with 21 and above, with alcohol served;
- Concerns that underage individuals would be prone to consume alcohol and other substances in the parking lot;
- The Police Chief also commented that the proposal would be a drain on the Police Department's resources during the weekends.

Director Graham stated the Board of Commissioners shall consider the following regarding an application for a conditional use permit:

- If the application is complete;
 - If completed as proposed in the application, will the development not comply with one or more requirements of the UDO;
- Furthermore even if the Board finds that the application complies with all other provisions of the UDO, it may still deny the proposal if it concludes,

based upon the information submitted, that if completed as proposed, the development, more probably than not:

Will materially endanger the public health or safety. The application states that the establishment will operate abiding by all laws and will take extra measures to ensure public health, safety, morals and general welfare. An example cited is the commitment to hire private security personnel to make sure order and safety are maintained.

Will substantially injure the value of adjoining or abutting property. The application states that the use will not in any way be injurious to the use and enjoyment of other property in the vicinity. The use will be consistent with those permitted in the district, will be contained to the interior of the building, will be adequately served by existing parking, and will abide by all state and local ordinances, including those related to noise. The business intends to operate only during nighttime hours on weekends.

Will not be in harmony with the area in which it is located. The application states that the use will be in harmony with the area in that the center has at least one existing entertainment related business and that the use will add to the development of the shopping center by filling a vacant storefront. It further states that the use will not interfere with any of the normal and orderly development or improvement of surrounding properties.

Will not be in general conformity with the land-use plan, thoroughfare plan, or other plan specifically adopted by the Town Board. The application is in general conformity with the 2030 Land Development Plan due to the commercial nature of the proposal. Staff has recommended a condition to bring the proposal in conformity with the Aberdeen Pedestrian Plan, and the proposal is not inconsistent with other plans adopted by the Town Board.

Director Graham stated the recommended conditions are as follows:

Conditional Use Permits run with the land and as such CU #14-07 applies to the entirety of the property reflected in Parcel IC #00051524, Unit #135. An amendment to the CUP is needed to remove property from the CUP or to make changes to the CUP. If an activity is a use by right, it is not subject to the CUP.

Building and Fire Inspections and Town of Aberdeen Business License are to be required prior to beginning operation, all to be coordinated through Planning and Inspections Department.

- Proposed building renovations are to be approved by Town of Aberdeen Building Inspectors and shall meet all applicable codes.

- Any and all required permits and/or approvals from other regulatory agencies must be in place prior to issuance of a Notice to Proceed by the Planning Department.
- In the absence of objections from the property owner, and provided that adequate walkway exists to safely accommodate pedestrians, a designated area for bicycle parking and bicycle racks to accommodate a minimum of two (2) bicycles is recommended for the property prior to the operation of the use.
- Approval of the CUP shall not imply approval of signage. Sign permit applications consistent with the requirements of the UDO shall be reviewed and approved by the department prior to installation.
- The operation will be required to comply with Town of Aberdeen noise regulations.
- Compliance with the security plan as submitted by the applicant is required as a condition of approval.
- Hours of operation shall be limited to Friday and Saturday from 9:00 p.m. to 2:00 a.m. and the same hours on Sunday if the following Monday is a recognized holiday.
- All additional conditions or requirements as provided in the Town of Aberdeen Unified Development Ordinance are enforceable with regards to the proposal approved by CU #14-07.

Director Graham stated Ms. Zarco provided a photo today of where 2 additional cameras will be located on the back of the building and 2 additional cameras on the side. Director Graham displayed a photo of the proposed floor plan for the business.

Ms. Zarco stated the 4 major concerns were the back door access, lighting behind the building, security plan, and underage drinking. Ms. Zarco stated there is a great deal of lighting at the back of the building, but if the Board would like more, she will be glad to install more. Ms. Zarco stated the back door will be unable to be accessed from outside, but will serve as an emergency exit. Ms. Zarco stated extra measures will be taken to address underage drinking, and no drinks will be allowed in the bathroom. Ms. Zarco stated the Chief was concerned about underage drinking, but she does not feel that is a justified concern. Ms. Zarco stated everyone will be checked as they come in the building, and security personnel will be monitoring the inside and outside areas. Dress code will be strictly enforced. No drugs or gang related clothing will be allowed, no bandanas, shirts have to be tucked in.

Director Graham stated the Board has approved the proposal.

Mayor Farrell stated it appears Ms. Zarco has done a lot of research since the last meeting. Commissioner Mims asked if camera video will be purchased for the interior and exterior of the business. Ms. Zarco stated a total of 8 cameras will be on the exterior of the building. Ms. Zarco explained where each of the 8 cameras will be located. Commissioner Mims asked if video will be view only, or recorded. Ms. Zarco stated the video will be recorded. Commissioner Mims asked if no loitering signs will be posted outside. Ms. Zarco stated she can do that if necessary, and there will be security personnel monitoring the outside area. Mims asked how many personnel will work during a regular shift. Ms. Zarco stated it will depend on how many customers she can have in the building, but it will be 2 security personnel per 100 customers. Commissioner Dannelley stated the Chief met with Ms. Zarco on Feb. 5th, and she had stated she would provide a more detailed security plan to address the concerns. Commissioner Dannelley asked if that was presented. Ms. Zarco stated a sketch was made to include location of all security cameras, and a dress code was added. Commissioner Dannelley asked if any feedback has been received from surrounding business owners. Director Graham stated the property manager of the space has contacted the Town because he is anxious to get the space rented, and wanted to get an idea of how long this process would take. Commissioner Dannelley asked if the building will remain empty all other times except when the night club is being operated. Ms. Zarco stated that is correct. Commissioner Dannelley asked if other properties have been looked at in Aberdeen for this business. Ms. Zarco stated she has not had any luck with any other location. Commissioner Dannelley asked what the recourse is if a condition is not being met as we move forward, what happens? Director Graham stated if that was determined, then Ms. Zarco would be a guilty of a zoning violation, and the operation could be stopped immediately until the conditions were met. Ms. Zarco stated she does not want her business to be shut down, so she plans on meeting all requirements and conditions.

Commissioner Dannelley asked if Ms. Zarco has considered offering a night club, without the sale of alcohol to see how it goes first. Ms. Zarco stated she is a business woman, and she is needing to make money off of this business, and selling alcohol will help create extra revenue.

Mayor Pro-tem Thomas asked Chief Wenzel, if based on his experience in Aberdeen, that area is considered to be a high crime area. Chief Wenzel stated yes, not the specific shopping mall, but the general area is a high crime area. Ms. Zarco stated Casa Mexicana, Vitos, and the Bowling Alley all sell alcohol. Ms. Zarco stated she will be obtaining an ABC Permit and selling mixed drinks as well. Mayor Pro-tem Thomas asked if she had considered changing the entry age to 21. Ms. Zarco stated the 18, 19, and 20

year olds could be designated drivers, and they also like to dance, even if they can't drink and that is not her intention to exclude them. Mayor Pro-tem Thomas asked if it is Ms. Zarco's plan to have 250 people in that building at one time. Ms. Zarco stated yes, that is her plan. Mayor Pro-tem Thomas asked how big the room is. Director Graham stated the estimated square footage is 9500. Ms. Zarco stated she is still waiting for approval from the Fire Department on how many people can be in the building at one time. Mayor Pro-tem Thomas stated he is struggling with this type of proposal in a shopping center environment. Mayor Pro-tem Thomas stated his question is if this operation is in keeping with the surrounding area. Mayor Pro-tem Thomas asked if Chief Wenzel has an opinion on if establishments such as this can make it in a shopping center environment. Chief Wenzel stated he has not seen this type of operation in a shopping center before, but a stand alone night club would be able to meet the security plan much easier. Ms. Zarco stated there are night clubs in shopping centers in Greensboro, Winston-Salem, etc. Chief Wenzel stated Deputy Chief Colasacco checked with a detective in Winston Salem to see what, if any issues they have had with these types of night clubs. Chief Wenzel stated at all 3 establishments in Winston Salem the detective said there have been lots of problems. Ms. Zarco stated problems happen everywhere, and if her night club experiences a problem, then she will be shut down and the business will not exist anymore. Ms. Zarco stated when she talked to Director Graham, she was told that this type of operation is allowed in the Highway Commercial District. Mayor Farrell stated Ms. Zarco has addressed most of his concerns, and if this passed, then Ms. Zarco and the Town would be going out on a limb with this proposal. Mayor Farrell asked what would happen if business goes really well, and operating hours were requested to be extended to additional days of the week. Director Graham stated there are various levels of modifications to Conditional Use Permits and could be a minor modification or a significant change, and either of those would require the item to come before the Board again for consideration.

Director Graham stated if it were determined that the operation was not meeting all conditions of the conditional use permit, then it would be a zoning violation, and could even be fined as civil penalties, and could even be a misdemeanor. Commissioner Mims asked if Director Graham contacted Food Lion, or any other businesses in the shopping center. Director Graham stated mailed notices were sent to the adjoining property owners as required. A posting at the site is also required, and was completed. Commissioner Mims stated if this was not in a shopping center with other businesses, then he would not have as much trouble voting to approve it.

Commissioner Dannelley stated what he has to decide on, based on evidence presented to him, is if the CUP will endanger the public health or safety, will not substantially injure the value of adjoining or abutting properties, and will also be in harmony with the area in which it is located. Commissioner Dannelley clarified that for him, this issue is not specifically about the serving of alcohol, but does it comply with the areas identified for consideration of approval. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, to delay action on this item to the first regular meeting in month, March 9, 2015, since 2 Board members are not here this evening. Director Graham provided two options to the Board on how to proceed, either continue the public hearing or close the public hearing. Commissioner Mims stated he would like for the Town to speak to business owners in that Shopping Center to get feedback from them before making a decision, and have a full Board. Motion was amended to also continue the public hearing to March 9, 2015 -- the next regular meeting. Motion unanimously carried 3-0.

Director Graham stated she needs to understand if any additional information is needed to prepare for the meeting on March 9th. Commissioner Mims stated he would like feedback from business owners in the shopping center. Ms. Zarco thanked everyone for their thoughts and input.

b. Consider action on Conditional Use Permit #14-07 for a Night Club in the Highway Commercial District.

Removed from agenda.

c. Public Hearing for Conditional Use Permit #14-06 for an Indoor Shooting Range in the I-H (Heavy Industrial) District.

Mayor Farrell opened the public hearing on Conditional Use Permit #14-06 for an Indoor Shooting Range in the I-H (Heavy Industrial) District.

Town Clerk Regina Rosy swore in Eric Ross, Ron Jackson, Pam Graham, and Chris Gilder.

Director Graham stated Eric Ross, on behalf of Stratus Tactical Performance, requests a Conditional Use Permit to allow an indoor shooting range at 314 South Pine Street. Director Graham stated the property is located in the I-H Heavy Industrial Zoning District.

Director Graham stated the 1.14 acre property is located on property owned by Meridian Real Estate, LLC adjacent to the Meridian Zero Manufacturing Facility. Director Graham displayed a vicinity aerial image. Director Graham stated the applicant proposes to establish an indoor shooting range facility to include:

- A 20 lane firing range
- Retail area
- Small café
- Members' Lounge
- Management offices

Director Graham stated the I-H District is established for the principal use of heavy industries, that, by their nature, may create some nuisance and which are not properly associated or compatible with residential and commercial establishments. A UDO text amendment was approved in 2014 that permits indoor shooting ranges only in the I-H District, upon approval of a conditional use permit. Outdoor shooting ranges are not permitted in any zoning district.

Director Graham stated the additional provisions of the text amendment include:

- Indoor shooting ranges are defined as “an area within a building designated and operated for the use of rifles, shotguns, silhouettes, or any other firearm discharge. Skeet shooting, trap shooting and black powder rifle use are not permitted in an indoor shooting range.”
- The Police Chief shall review all proposals for uses that will involve the use of discharge of firearms, and shall prepare a written evaluation of whether the proposed use presents public safety concerns. The evaluation is to be submitted to the Land Use Administrator prior to any required public hearing for the proposed use.
- Indoor shooting ranges shall meet or exceed the guidelines and recommends for design, construction, operation, and management provided by:
 - a. The National Rifle Association (NRA)
 - b. The National Shooting Sports Foundation (NSSF)
 - c. The US Occupational Safety and Health Administration (OSHA)
 - d. The National Institute of Occupational Safety and Health (NOISH)
- Indoor shooting ranges are limited to using 0.50 caliber ammunition or less.

Director Graham stated adjacent zoning is I-H to the north, I-H to the south, B-3 to the east, and HC to the west. Properties to the west are separated from the subject parcel by a 100 foot wide CSX Railroad right-of-way.

Director Graham displayed a vicinity zoning map. Director Graham stated the parcel currently contains a +/- 15,000 square foot structure being used by Meridian for storage and temporary offices. The proposal includes an addition to the front of the building as well as a second story addition. A covered loading dock at the rear of the building will remain. The terrain is relatively flat, with a slight slope to the south and west towards a tributary of Aberdeen Creek known as Devil Gut Branch. Existing tree cover is evident along these boundaries providing adequate screening to adjacent properties to the south and west. Additional screening material may be required along the northern and eastern boundaries, including along Pine Street. No identified wetlands or floodplain exist on the property. The building is accessed from an existing on-site driveway entrance on S. Pine Street, as well as an off-site driveway approximately 150' to the north on the adjacent

(Meridian parcel). The site also accommodates vehicular access to the rear loading dock and a gravel parking area in front of the building. Director Graham zoomed in on the aerial image of the property.

Director Graham stated UDO parking requirements are based on building square footage. By this standard, 58 parking spaces would be required for this proposal. The Board may permit deviations to eliminate inadequate or excessive parking spaces. Staff recommends such flexibility be applied to require no fewer than 44 spaces based on:

- The potential for shared parking with the Meridian facility; and

- Applying a one person per lane calculation to the 8,900 square feet within the shooting range.

Director Graham stated the applicant proposes a 3,440 square foot addition to the existing structure, to include a second story to a portion of the existing building. The shooting range is designed by Action Target, reported to be the largest shooting range equipment manufacturer in the world. The range will be the only one of its kind in Moore County and will offer training and practice to active duty and retired military personnel, local law enforcement agencies, and the general public. A Total Containment Trap (TCT) system has been selected to collect bullet rounds, lead dust and other particles. The company describes this system as being the superior choice for ranges where safety, reliability, simple maintenance, and ease of use are top priorities. Funnel plates are angled to guide bullets into a sealed deceleration chamber. The shallow angle is designed to reduce bullet break up on impact to eliminate splatter and ricochet. As bullets enter the trap and fall to the bottom of the deceleration chamber, they drop into collection hoppers.

Action Target's Air Conveyor System sucks away bullet fragments, lead dust

and other debris. The system deposits debris in a storage barrel with an air-tight seal. Range officers are only exposed to the lead when the barrels are changed. The ranged operation is required to meet or exceed guidelines and recommendations provided by:

- The National Rifle Association (NRA). The NRA produces a *NRA Range Source Book*, designed to provide technical guidance on physical layout and equipment used at shooting ranges. Topics include the planning, design, construction, and maintenance of facilities; as well as lead management techniques. The NRA also offers a Range Safety Officer Certification Program.
- The National Shooting Sports Foundation (NSSF). The NSSF promotes the development of state-of-the-art target shooting facilities by providing leadership in information, communication, and partnership between ranges, industry, and community. The organization provides a *Lead Management & OSHA Compliance for Indoor Shooting Ranges* manual.
- The US Occupational Safety & Health Administration (OSHA). OSHA is a division of the US Department of Labor, and is in charge of protecting employee health and safety in the workplace. OSHA regulations define the legal responsibilities of employers to limit employee exposure to lead and to provide employees with safety training and medical care. Airborne lead exposures are measured in the work environment; sample results determine actions that must be taken to comply with the OSHA Lead Standard. Actions may include monitoring at six or three month intervals, or the use of respirators by staff at risk of exposure. Employees must be notified in writing of air monitoring results; and of the proposed corrective actions when those are required.

- The National Institute of Occupational Safety and Health (NIOSH). NIOSH operates under the US Department of Health, Education and Welfare and is responsible for conducting research and making recommendations for the prevention of work-related injury and illness. They provide guidelines for the range industry through their *Lead Exposure and Design Considerations for Indoor Firing Ranges* publication.

Director Graham displayed the most recent google map image of the property. Director Graham displayed the proposed front elevation, proposed first floor plan, proposed second floor plan, architectural rendering views of the proposal.

Director Graham stated regarding conformity with adopted town plans; facilities of this type are not addressed in the 2030 Land Development Plan adopted in 2005. The Future Land Use Map associated with the Plan identifies the area as industrial. Staff considers the proposal to be in general conformity with the adopted Land Development Plan.

The rental or sale of firearms and the sale of ammunition to the public.

Director Graham stated the Board must also consider the following in their recommendation:

- Will the activity materially endanger public health or safety? The applicant states that the proposal will not be detrimental or endanger the public health, safety, morals, comfort, or general welfare, and that an indoor range would serve to educate and provide a higher level of safety and general welfare to the community.

- Will it substantially injure the value of adjoining or abutting property? The application states that the proposed range will serve to increase the surrounding property values, and is compatible with the zoning. It further states that the goal of the range is to provide world class range facilities to the Moore County area and add a premium level of commercial service to the community.

- Will it not be in harmony in the area in which it is to be located? The application states that the establishment will be in harmony with the area and serve to improve on a heavy industrial zoned area at an existing warehouse. Furthermore, the application states that the improvement would increase the property value for the current landowner and surrounding community.

Director Graham stated as required by the UDO Text Amendment approved last year, the Police Chief has reviewed the proposal and offered the following comments:

- The proposed air filtration system limits exposure for customers and employees to acceptable levels;

The removal system for spent ammunition and the backstop design also limits possible dangerous exposure to employees;

The noise concerns are addressed by the requirement of ear protection while shooting, however, a recommendation was made that all reflecting walls on the range be covered with sound absorbing material;

Also recommended is a rotation system that will limit continuous time spent on the range by any particular range master (range masters will be housed in an acoustically treated booth);

- The assessment also addressed the questions of age restrictions that were brought up by the Planning Board;

- The facility will allow individuals 18 years and older to shoot on the range without an adult present;

Individuals under 18 must be accompanied at all times by a parent or guardian who is over 21, and may not shoot at the same time as the parent or guardian who is accompanying them;

- The rental or sale of firearms and the sale of ammunition will be limited to individuals who are 21 years of age or older;
- The Police Chief's assessment states that he is satisfied that these restrictions are adequate;
- Regarding the storage of ammunition, the applicant has stated that the ammunition will be stored in a climate controlled and secure area;
- The assessment states that the applicants have satisfied all of the Chief's public safety concerns, and that the facility will add to gun safety and safe handling of weapons by the general public.

Director Graham stated the recommended conditions are as follows:

- (1) Conditional Use Permits (CUPs) run with the land and as such CU #14-06 applies to the entirety of the property reflected in Parcel ID #20060678. An amendment is needed to remove property from the CUP or to make changes to the CUP. If an activity is a use by right, it is not subject to the CUP.
- (2) The proposed use is authorized by the CUP, however, approval of CU #14-06 is contingent on a successful interdepartmental review to insure that the development has met all Federal, State and local regulations and permitting requirements, as well as any conditions attached to the CUP approval.
- (3) Any and all required permits and/or approvals from other regulatory agencies must be in place prior to issuance of a Notice to Proceed by the Planning Department.
- (4) As required by the UDO, the proposal has been reviewed by the Police Chief and a written report of the Chief's findings regarding the proposal's impact to public safety has been provided to the Board of Commissioners prior to the Public Hearing for CU #14-06.
- (5) Persons under the age of 18 shall be accompanied at all times by a parent or guardian who is over 21 years of age. Such parent or guardian may not engage in shooting at the same time as the child they are accompanying.
- (6) No unaccompanied persons under the age of 18 are to be allowed in the facility.
- (7) The rental or sale of firearms and the sale of ammunition shall be limited to persons 21 years of age and older.

(8) Ammunition shall be stored in a climate controlled and secure area; such area shall be noted on plans submitted to the Planning Department for review.

(9) The facility shall institute guidelines for a rotation system to limit the amount of time any single range master is exposed to the range.

(10) Approval of CU #14-06 is contingent on documentation that the proposal meets or exceeds the guidelines and recommendations for design, operation and management provided by the NRA, NSSF, OSHA, and NIOSH.

(11) The use of ammunition caliber in excess of .50 shall be prohibited within the facility.

(12) The facility shall conduct airborne lead exposure measurements to make an initial determination to assess the airborne lead levels within the first thirty (30) days of operation and shall provide a copy of the results to the Planning Department. Subsequent monitoring assessments and any corrective action as required by the Federal OSHA General Industry Lead Standard (29 CFR 1910.1025) shall be reported to the Planning Department in all cases where testing indicates levels in excess of the OSHA Standard.

(13) The firing range area shall be required to operate under a ventilation blow off system separate from the remainder of the building, utilizing High Efficiency Particulate (HEPA) filtration of all air exhausted from the range.

(14) The facility shall employ an automatic range shutdown device designed to curtail range activity should any segment of the filtration system fail.

(15) Approval of the CUP shall not imply approval of signage. Sign permit applications consistent with the requirements of the UDO shall be reviewed and approved by the Planning Department prior to installation.

(16) The operation will be required to comply with Town of Aberdeen noise regulations.

(17) The Total Containment Trap and Air Conveyor systems as proposed by the applicant or a demonstration equivalent shall be adhered to. Deviations will require an amendment to the CUP or re-application as directed by the UDO. Documentation of the system as installed is to be provided to the Planning Department.

(18) Required parking may be reduced to no less than forty-four (44) spaces to eliminate excessive parking at the site.

(19) Landscape and screening requirements as directed by the UDO shall be complied with.

(20) Consumption of alcoholic beverages shall be prohibited on the property, to include the building and parking areas.

(21) All additional conditions or requirements as provided in the Town of Aberdeen Unified Development Ordinance are enforceable with regards to the proposal approved by CU #14-06.

Director Graham reviewed a Moore County Indoor Range Business Proposal presented by the applicant and the Executive Summary.

Director Graham stated Chris Gilder and Eric Ross are here this evening. Director Graham displayed the operations plan. Director Graham stated pending approval from the Town of Aberdeen, SSTP will establish a Moore County Indoor Range, LLC and begin raising capital for funding the range construction. Director Graham reviewed the range safety plan.

Ron Jackson stated he owns property adjacent to this proposal. Mr. Jackson stated his proposal for 6 townhomes was denied because it would not fit with the area, which Mayor Pro-tem Thomas was quoted as saying. Mr. Jackson stated if 6 townhomes won't fit in, how would a gun range fit in? Mr. Jackson stated the driveway is directly across the street, and the headlights will be pointed directly in the windows of the townhomes. Mr. Jackson stated this will hurt his property values. Mr. Jackson stated he is also concerned about the noise from this project.

Eric Ross stated the goal is to add value to the community with this proposal. Eric Ross stated he would be willing to work on any concerns by adjoining property owners. Mr. Jackson stated everything he owns is for sale. Mayor Farrell asked about the security plan/security system. Mr. Ross reviewed the security plan. Mayor Farrell asked if private weapons can be brought in and left overnight. Mr. Ross stated the Members club area will have vault storage areas. Mayor Farrell asked if the members lounge is open to the public. Mr. Ross stated there will be memberships available for purchase, and the lounge will be an amenity for those memberships. Mayor Farrell stated Mr. Jackson's concern about the noise is valid. Mr. Gilder

stated the noise will be significantly quieter than the manufacturing operation of Meridian Kiosks.

Commissioner Dannelley asked if all adjoining property owners were notified of this hearing. Director Graham stated information was pulled from Moore County's website to identify the adjoining property owners, and notices were mailed certified and first class. Director Graham stated two of the letters were returned and stamped with "Refused". Director Graham stated all statutory requirements have been met for this item.

Commissioner Mims asked about the age requirement. Mr. Ross stated he would prefer it to state that a responsible adult be the language used, instead of restricting it to parents or legal guardians. Commissioner Mims stated he has visited ranges too, and residential is located in close proximity to those ranges too, and the noise level is minimal. Adult supervision is the language clearly preferred, rather than parents or legal guardians, stated Chris Gilder. Mr. Gilder stated courses will be offered to provide certifications and qualify them to shoot. Commissioner Dannelley suggested the following language "Individuals under 18 must be accompanied at all times by an adult age 21 or older."

Mayor Pro-tem Thomas asked what the operating hours will be. General public: 10:00 a.m. – 8:00 p.m. For law enforcement officers, the applicant would like to allow additional hours. Mayor Pro-tem Thomas stated he does not like the idea of leaving the operating hours open-ended, since residential properties are across the street. Mr. Ross stated he would be willing to limit the hours of operation to something like 8:00 a.m. – 9:00 p.m.

Director Graham stated there would be some additional screening placed at the front of the property, as one of the conditions. Mayor Pro-tem Thomas stated he is now more concerned with the ingress and egress and all the headlights pointed at the residential area across the street. Mayor Farrell asked if the UDO requires paving of the parking lot. Director Graham stated the UDO does not require the entire parking lot to be paved.

Commissioner Dannelley stated it seems like what he is hearing is possibly continuing the public hearing to do more research on this issue, including the hours of operation, etc. A motion was made by Commissioner Dannelley, seconded by Mayor Pro-tem Thomas, to continue the public hearing to the next regular meeting, which is a Work Session on March 9, 2015. Director Graham asked what the specific questions are – Mayor Farrell stated the Board would like to know who would accompany a minor, hours of

operation, and any consideration for anything other than gravel for the parking lot. Motion unanimously carried 3-0.

d. Consider action on Conditional Use Permit #14-06 for an Indoor Shooting Range in the I-H (Heavy Industrial) District.

Removed from agenda

8. Other Business

a. Update on PARTF Grant for Ray's Mill Pond.

Manager Zell stated the only issue is that we are having too much rain. Manager Zell stated we have until May to complete the project. Manager Zell stated all of the rain has just compromised some of the compaction with the soil. Manager Zell stated the trail has been laid out. Manager Zell stated the pier is awesome. Commissioner Dannelley mentioned the stub out for power and what that is for. Manager Zell stated that would provide lights for the nature center and electricity for area lights for the porta johns so it is safe.

Removed from agenda

b. Grants Update

Planner Martin stated up to 58 out of 81 full-time employees for the Building Reuse Grant have been satisfied, which leaves them with 23 jobs. Planner Martin stated the 2012 SBEA and the Meridian Expansion project are off schedule too. Planner Martin stated he is currently waiting to hear back from the Grant Representative on direction on how to proceed with this project. All jobs are to be committed to by June 2015, and if not, then a program amendment will have to be requested.

Strategic Planning Retreat on Friday, February 27th from 1:30 – 4:30 p.m.

at the Aberdeen Fire Station.

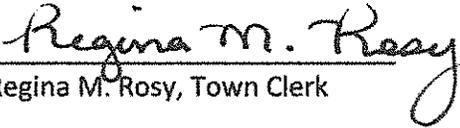
Manager Zell stated Lydian Altman from the School of Government will be facilitating the strategic planning retreat. Manager Zell stated an agenda will be sent out to the Board by Wednesday for their review.

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

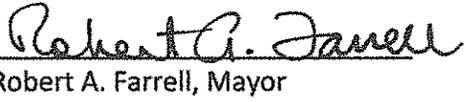
Removed from agenda

10. Adjournment

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, to adjourn the Board Meeting. Motion unanimously carried 3-0.


Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on February 23, 2015


Robert A. Farrell, Mayor

Minutes were approved
on March 23, 2015

