

Minutes
Work Session
Aberdeen Town Board

March 9, 2015
Monday, 6:00 p.m.
Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, March 9, 2015 at 6:00 p.m. for the Work Session. Members present were Mayor Robert A. Farrell, Mayor Pro-tem Jim Thomas, and Commissioners Joe Dannelley, Buck Mims, and Elise Goodwin. Commissioner Pat Ann McMurray was not in attendance. Staff members in attendance were Planning Director Pam Graham, Town Manager Bill Zell, Police Chief Tim Wenzel, Deputy Chief Carl Colasacco, Planner Jae Kim, and Town Clerk Regina Rosy. Barbara Allred, Kenneth Byrd, Tim Marcham, Reporter for the Pilot Ted Natt, Eric Ross, Chris Gilder, Kenneth Rajal, Marbella Zarco, were also in attendance for the meeting.

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

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

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

Director Graham stated the Board elected to continue this public hearing to allow staff to clarify the following items:

- the business hours that are proposed by the applicants
- language regarding who may accompany an underage visitor to the range
- if alternatives to gravel for the parking area might be considered

Director Graham stated the applicant proposes to maintain business operating hours of 6:00 a.m. to 9:00 p.m. in order to accommodate special events and training, though he anticipates his normal activities to fall within the 10:00 a.m. – 9:00 p.m. timeframe.

Director Graham stated the facility intends to establish a policy whereby all persons under 18 years of age must be accompanied by a “responsible adult who is at least 21 or older”, who will be required to sign a waiver that they understand the rules of the range and their responsibilities. The waiver will also acknowledge that

that child's parent or legal guardian has given consent for their activities at the range. Condition #5 has been amended to reflect this language with the word 'responsible' removed.

Director Graham stated permitted uses in the I-H District include convenience stores, bulk petroleum stations, farm equipment sales and service, wholesale and retail sales, offices, manufacturing, bottling or canning plants, trucking terminals, restaurants, storage facilities, kennels, mining operations, landfills, and airports.

Commissioner Mims asked about the language "responsible adult" and why that language was removed. Commissioner Mims stated responsible could mean a lot of different things. Attorney Morphis stated he wants to make sure that the requirements are easy for the applicant to implement. Director Graham read the policy from the applicant and the process that will be used to sign in persons under age 18. Also discussed, was that leaving the word 'responsible' in requires the Town to determine what qualifies as 'responsible'. After some further discussion, it was decided to amend Condition #5 to add an additional sentence to read as follows: The facility shall establish a written policy which requires the adult, age 21 or over, to acknowledge in writing that he or she assumes responsibility for the person(s) under age 18 who he or she is accompanying.

Director Graham stated no changes were made to any other conditions.

Mr. Ross stated regarding concerns about the neighbors, he spoke with the neighbors and let them know what his operation will consist of. Mr. Ross stated one of the neighbors stated there are no windows on the 1st floor of the townhomes so there are no issues with car lights shining through the windows of the residential areas.

With no further discussion, Mayor Farrell closed the public hearing on Conditional Use Permit #14-06 for an Indoor Shooting Range in the I-H (Heavy Industrial) District.

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

A motion was made by Commissioner Mims, seconded by Commissioner Dannelley, that CU #14-06 is complete as submitted. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that CU #14-06 if completed as proposed and will comply with all requirements of the UDO. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that CU #14-06 satisfies Finding #1 and will not endanger the public health or safety. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that CU #14-06 satisfies Finding #2 and will not substantially injure the value of adjoining or abutting property. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that CU #14-06 satisfies Finding #3 and will be in harmony with the area in which it is located. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that CU #14-06 satisfies Finding #4 and will be in general conformity with the Land Use Plan or other plans specifically adopted by the Board. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that based on the findings of fact and the evidence presented, the Board of Commissioners issues approval with conditions of CU #14-06, with the amendment that Condition #5 be amended to include the following recommended language: The facility shall establish a written policy which requires an adult, age 21 or over, to acknowledge in writing that he or she assumes responsibility for the person(s) under age 18 who he or she is accompanying. Motion unanimously carried 4-0.

3. Continuation of Public Hearing for Conditional Use Permit #14-07 for a Night Club in the HC (Highway Commercial) District.

Clerk Regina Rosy swore in Marbella Zarco, Planning Director Pam Graham, Police Chief Tim Wenzel, Deputy Police Chief Carl Colasacco, and Kenneth Rajal.

Director Graham stated Ms. Zarco has reached out to tenants at the shopping center to ask for feedback on whether they support or do not support the nightclub.

Kenneth Rajal stated he wants to know exactly what is proposed for this conditional use permit. Mr. Rajal stated he is a retired drug enforcement agent with

the federal government for 22 years. Director Graham stated Ms. Zarco is proposing to operate a night club on Friday and Saturday nights from 9:00 p.m. – 2:00 a.m. Director Graham stated wristbands will be used to identify those persons under age 21. Director Graham stated a security plan has been developed between Ms. Zarco and the Aberdeen Police Department. Director Graham reviewed the security plan features. Ms. Zarco stated a dress code will also be enforced.

Ms. Zarco stated pictures were provided of other night clubs operating in shopping centers in NC.

Commissioner Dannelley stated Jason Landaas, owner of Carolina Dojo Family Martial Arts, sent an email to the Board members expressing opposition to this project. Commissioner Mims stated another email was received this afternoon expressing opposition to this project, and Commissioner Mims read the email for the record, from Steve Braban.

Ms. Zarco asked the Board to please consider that several of the businesses opposing this project will not be open and operational while her business is operational, therefore those businesses will not be harmed by her business.

Mr. Rajal stated he is opposed to this project because it will be an undue response on the Aberdeen Police Department. Mr. Rajal stated from his 22 years of experience with the DEA, he can see other things that can derive from this type of project. He stated this will open to the door to other things, and he is not in favor of this project.

With no further discussion, Mayor Farrell closed the public hearing on Conditional Use Permit #14-07 for a Night Club in the HC (Highway Commercial) District.

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

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that CU #14-07 is complete as submitted. Motion unanimously carried 4-0.

Commissioners Mims asked for guidance on if this item meets the requirements of the UDO. Attorney Morphis stated when considering this motion, this would be specific to setbacks, road standards, etc.

A motion was made by Commissioner Mims, seconded by Commissioner Dannelley, that CU #14-07 if completed as proposed, will comply with all requirements of the UDO. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Commissioner Dannelley, that CU #14-07, does not satisfy Finding #1 and will endanger public health or safety. Commissioner Mims stated his concerns are that historically working in law enforcement, in this neighborhood with families going in and out of the bowling alley, and the night club providing access to beer and liquor, he believes it could endanger public safety. Commissioner Mims stated the Police Chief provided a great deal of information in his staff report as well. Commissioner Mims stated typically people who go to the bowling alley go to bowl, not drink. But the night club will be a destination for drinking. Commissioner Mims stated those are the reasons that he thinks it could potentially endanger public safety. Commissioner Mims told Ms. Zarco that she has done a great job of presenting her case, but he just does not feel that this neighborhood is an appropriate location for this business. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that CU #14-07 does satisfy Finding #2, and will not substantially injure the value of adjoining of abutting property. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that CU #14-07 does not satisfy Finding #3, and it will not be in harmony with the area in which it is located. Commissioner Mims stated he asked Director Graham to solicit feedback from business owners in the shopping center, because he wanted to hear their input. Commissioner Mims stated there has been a great deal of opposition from business owners in the shopping center, and he does not see how this could be in harmony with the area in which it is located, with that much opposition. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Commissioner Dannelley, that CU #14-07 satisfies Finding #4, and will be in general conformity with the Land Use Plan or other plans specifically adopted by the Board. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that based on the findings of fact and the evidence presented, the Board of

Commissioners issues denial of CU #14-07 based on the following: Findings of Fact #1 – will endanger the public health or safety and Findings of Fact #3 – will not be in harmony in the area in which it is located. Motion unanimously carried 4-0.

5. Choice of Signage for Ray's Mill Park.

Manager Zell stated this item has been removed from the agenda.

6. Parks & Recreation Department Fees and Charges Policy.

Manager Zell stated the Board has just recently reviewed these fees, but in order to make them official, they need to be approved in ordinance format. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin to approve an Ordinance Adopting a New Aberdeen Parks & Recreation Department Fees and Charges Policy. Motion amended to read ordinance, not resolution. Motion unanimously carried 4-0.

7. Speed Limit Change on NC Highway 5.

Manager Zell stated there is a 45 mph zone and a 55 mph zone on NC Highway 5. The Board in January 2013 unanimously approved reducing the 55 mph zone to 45 mph. Manager Zell stated the NCDOT has been working on this for the past 2 years.

Chief Wenzel stated he has not seen any large number of accidents or complaints from speed on NC Highway 5. Commissioner Dannelley stated he thought it made a lot of sense for the Board in 2013 to vote for the 45 mph zone.

Mayor Farrell stated when looking at the support material, he does not believe he voted in support of the speed limit change on NC Highway 5 back in January 2013. Manager Zell explained that initially in January 2013, the Board was discussing reducing the speed limit for only an 800 ft. section of NC Highway 5, but the conversation evolved into something more, and the Board voted unanimously to request NCDOT to change the speed limit on NC Highway 5 to not more than 45 mph. The Board discussed this item further, and decided at this time, they are not interested in reducing the speed limit on NC Highway 5.

A motion was made by Commissioner Mims, to not approve the speed limit change. Motion failed, for lack of a second. Mayor Pro-tem Thomas clarified that if the Board makes no vote, then the speed limit will stay as it is. Attorney Morphis

stated if the Board does not concur with NCDOT on the speed limit change and approve this item, then NCDOT will not change the speed limit.

8. **UDO Text Amendment #15-01 Regarding Business Signage.**

Director Graham stated this item will be scheduled for public hearing on 3/23/15. Agenda Item scheduled for Public Hearing for 3/23/15.

9. **Conditional Use Permit #15-01 for Assembling of Goods at 303 Fields Drive.**

Director Graham stated this item will be scheduled for public hearing on 3/23/15. Commissioner Dannelley stated he would like Director Graham to understand that he has read the complete packet, and if she would like to just present a slide or two that would suffice for the public hearing. Director Graham stated she has an obligation to make her presentation to inform the public during the public hearing. Ted Natt stated as a reporter, he receives the packet as well in advance, and he reads the entire packet prior to the meeting. Commissioner Dannelley stated he feels a public hearing is a forum to receive input from the public, not give them information. Attorney Morphis stated as long as all Board members read the entire staff report and supporting materials in advance, then it would be okay to not present every detail. However, Attorney Morphis stated he is risk adverse and he would recommend that Director Graham continue presenting all related materials during the public hearing. Agenda Item scheduled for Public Hearing on 3/23/15.

10. **Closeout Public Hearing for the 2011 Small Business and Entrepreneurial Assistance Program.**

Agenda Item scheduled for Public Hearing for 3/23/15.

11. **Discussion regarding Strategic Planning Process.**

Commissioner Dannelley stated the updated version 3 draft is now prepared. Commissioner Dannelley stated he sees a need to consider adoption of a vision statement this evening. Commissioner Dannelley stated his recommendation is the following: "The Town of Aberdeen grows to a population level that retains its unique history and character and provides the services and amenities to continuously enhance the quality of life for all its citizens." Commissioner Dannelley stated he would also like the Board to consider the 6 goal areas of:

Engaged Economic Development

- County, Regional or Intergovernmental Cooperation and Participation
- Encourage Citizen Communication and Participation in Town events, Celebrations, and Volunteerism
- Strengthen Business and Residential Partnerships
- Enhance Town Departmental Core Services
- Capital Improvement and Technology Cross-Leveling

Commissioner Dannelley suggested at the 3 Work Sessions between now and July 1st, take 2 of the goal areas for each meeting to evaluate the objectives. The Board discussed different variations of the vision statement, and ultimately agreed on one.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin to approve the following vision statement: "As the Town of Aberdeen grows, we will retain our unique history and character and provide the services and amenities to continuously enhance the quality of life for our citizens." Motion unanimously carried 4-0.

The Board decided to wait and discuss three of the goals at the April Work Session, and then discuss the remaining 3 at the May Work Session.

12. Other Business.

None

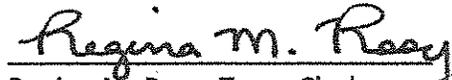
13. Closed Session pursuant to N.C.G.S. 143-318.11(a) (6) to consider the qualifications, competence, performance, and conditions of appointment of a public officer or employee.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, 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 4-0.

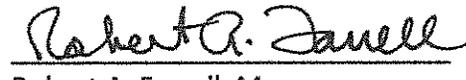
The Board returned from Closed Session.

14. Adjournment.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin, to adjourn the Work Session. Motion unanimously carried 4-0.


Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on March 9, 2015


Robert A. Farrell, Mayor

Minutes were approved
on March 23, 2015

of the study (e.g., the number of items) and the number of items in the study (e.g., the number of items in the study).

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