

Minutes

Work Session

Aberdeen Town Board

September 14, 2015

Robert N. Page Municipal Building

Monday, 6:00 p.m.

Aberdeen, North Carolina

The Aberdeen Town Board met Monday, September 14, 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, Pat Ann McMurray, and Elise Goodwin. Commissioner Buck Mims was not in attendance for the meeting. Staff members in attendance were Planning Director Pam Graham, Planner Jae Kim, Athletic Coordinator Joseph Keel, Town Manager Bill Zell, and Town Clerk Regina Rosy. Attorney T.C. Morphis, Barbara Allred, Ken Byrd, Ray Shaw, Tammy Lyne, Mr. and Mrs. Brian Bowles, Jeff McCluskey, Jerry & Pat Caddell, Bill Marts, Frankie Holt, Tim Marcham, Mike Garrison, Reporter for The Pilot Ted Natt, and approximately 14 other citizens were also in attendance for the meeting.

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

Mayor Farrell asked the Board members to recuse him from participating in agenda items 1 and 2 due to being Chairman for the Bethesda Cemetery. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin, to recuse Mayor Farrell from agenda items 1 and 2. Motion unanimously carried 4-0. Mayor Farrell left the podium at this point.

1. Continuation of Public Hearing for Conditional Use Permit #15-03 submitted by Bethesda Ives, LLC.

Mayor Pro-tem Thomas stated in an email he received, it was stated that he has a conflict of interest as well. Mayor Pro-tem Thomas stated he does not recall the date of when the conversation took place, but he did have a conversation in the company of friends regarding the parcel of land related to Conditional Use Permit #15-03, and some confusion was had about who owned the property. Mayor Pro-tem Thomas stated Mr. Alan Casavant had told him that acreage would be sold for \$12,000 an acre to adjoining property owners. Mayor Pro-tem Thomas stated he contacted Clyde Patterson, who lives in Broadway. Mayor Pro-tem Thomas asked Mr. Patterson if he owned the property in question, and Mr. Patterson stated he owns the property, and Alan Casavant represents him. Mayor Pro-tem Thomas

stated he does not know Ms. Lyne, which is who the email was from. Attorney Morphis asked if this conversation was before or after the current conditional use permit application. Mayor Pro-tem Thomas stated the conversation took place prior to the current conditional use permit application for this property. Commissioner Dannelley stated he does not see any grounds to recuse Mayor Pro-tem Thomas. A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, that no conflict of interest was identified for Mayor Pro-tem Thomas related to the Bethesda Ives Conditional Use Permit application. Motion unanimously carried 3-0.

Mayor Pro-tem Thomas stated an email from Director Graham was received this afternoon at 12:38 p.m. with an optional layout for the proposed subdivision. Mayor Pro-tem Thomas stated due to the late receipt of this additional information, he believes it may be best to continue this public hearing to the next regularly scheduled meeting which would be September 28, 2015, so that staff and Board members have time to review this information.

Commissioner McMurray stated she is not familiar enough with the additional proposal to discuss this evening. Jeff McCluskey stated the ordinance clearly states in Section 152-214(d) that stub-streets are encouraged. Mr. McCluskey stated if the Board decides that stub-streets are not compliant, then option B is just another option that the Board could consider that does not include stub-streets. But otherwise, Mr. McCluskey stated the Board is free to move forward with the original proposal for discussion.

Attorney Morphis stated he wants to be very careful that we do not slip into a public hearing. Attorney Morphis stated it is up to the Board whether to continue the public hearing tonight or not, and either choice is defensible. A motion was made by Commissioner McMurray, seconded by Commissioner Goodwin, to continue the Public Hearing to 9/28/15. Motion unanimously carried 4-0. Agenda Item scheduled for Public Hearing on 9/28/15.

2. Consider action on Conditional Use Permit #15-03 submitted by Bethesda Ives, LLC. Agenda Item delayed to 9/28/15. Agenda Item scheduled for New Business on 9/28/15.

Mayor Pro-tem Thomas stated at this time the meeting will relocate to the Conference Room.

Once the meeting relocated to the Conference Room, the following people were in attendance: Mayor Robert A. Farrell, Mayor Pro-tem Jim Thomas, and Commissioners Joe Dannelley, Pat Ann McMurray, and Elease Goodwin; Staff members in attendance were Planning Director Pam Graham, Planner Jae Kim, Athletic Coordinator Joseph Keel, Town Manager Bill Zell, and Town Clerk Regina Rosy; Others in attendance included Lisa Carriker, Mr. & Mrs. Brian Bowles, Tim Marcham, Barbara Allred, Ken Byrd, Ted Natt, Attorney T.C. Morphis, and Frankie Holt.

3. Special Event Permit Request submitted by Aberdeen Elementary School.

Athletic Coordinator Joseph Keel stated Lisa Carriker has submitted a special events permit application for The Tiger 5k Fun Run as a fundraiser for Aberdeen Elementary School on October 31, 2015. Athletic Coordinator Keel stated most of the road blocking will take place on Elm and Chapin Streets. Athletic Coordinator Keel stated the Fire Department will provide 2 EMTs for the event, Parks & Recreation will provide the use of grills, picnic shelter and power for the concessions and band, no police officers will be needed for traffic direction since volunteers will be utilized, and no barricades will be needed. Mayor Pro-tem Thomas asked for confirmation that no running will take place on US Highway 1. Athletic Coordinator Keel stated none of the race will take place on US Highway 1. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Dannelley, to approve a Special Event Permit Request submitted by Aberdeen Elementary School. Commissioner Dannelley asked if this will be a recurring event. Ms. Carriker stated the goal is to become a part of the Sandhills Race Series and make it an annual event. Motion unanimously carried 4-0.

4. UDO Text Amendments.

- a. UDO Text Amendment #15-03 Regarding Administrative Mechanisms.
- b. UDO Text Amendment #15-07 Regarding Appeals.
- c. UDO Text Amendment #15-05 Regarding Hearing Procedures.
- d. UDO Text Amendment #15-06 Regarding Permits and Plats.

b. UDO Text Amendment #15-12 Regarding Variances.

f. UDO Text Amendment #15-09 Regarding Permissible Uses.

g. UDO Text Amendment #15-10 Regarding Special Exceptions.

Director Graham stated Town staff has prepared a number of proposed ordinance amendments, some of which were mandated by recent changes to state law, and one that has been prepared in response to a recent court decision. Agenda Item scheduled for Public Hearing on 9/28/2015.

5. Proposed Amendments to the Planning Department Fee Schedule.

Planning Director Pam Graham stated she and Rodney Childress have been working on updates to the Planning Department Fee Schedule. Director Graham stated the revisions are suggested in an effort to clarify fees for applicants and staff, to ensure that appropriate fees are being charged, and to eliminate categories that are redundant or have seen no use in recent years. Director Graham reviewed the proposed changes to the fee schedule which include the following:

- Sheds are now classified according to their construction – stick-built sheds are handled the same as residential additions; portable sheds are handled separately with a flat fee of \$50 to reflect the single inspection that is required for these;
- Electrical permit categories have been simplified to eliminate categories of varying amperage that have become obsolete. A flat fee of \$150 will be charged for amperage up to 200, and each additional 200 amps will carry an additional fee of \$150;
- Generator installations are now accounted for in the Electrical Alternations category with a flat fee of \$50. The per outlet charge has also been removed;
- Miscellaneous categories have been added for electrical and mechanical work not already covered in an existing category;
- Tents that require inspection per the building code are included, with a flat \$50 fee;
- Fire Suppression Systems (wet and dry chemical systems as opposed to sprinklers) are included, with a flat \$100 fee;

Terminology for Manufactured Homes is updated and Modular Homes are included as a separate category, indicating that they are to be treated the same as stick built residential;

- Site Plan Review fees are clarified to prevent double fees for subdivisions. All subdivisions are charged for preliminary and final plat review as a single charge of \$150 + \$10 per each lot over ten. Major subdivisions are also charged a \$250 conditional use permit fee due to the public hearing requirement. The additional Site Plan Review charge of \$250 + \$20 per acre over one applies to proposals other than subdivisions because such proposals do not require preliminary/final plat review;

Code of Ordinances Text Amendments not requested by staff are now separate from UDO Text Amendments, and carry a fee of \$150 as opposed to \$300 due to there being no public hearing requirement for code amendments;

- Special Event fees have been removed from the Fee Schedule and are now handled by the Parks & Recreation Department.

Mayor Farrell asked if these fees are in line with the surrounding jurisdiction fees. Director Graham stated the fees are very comparable to surrounding jurisdictions. A motion was made by Commissioner Dannelley, seconded by Mayor Pro-tem Thomas, to approve the proposed amendments to the Planning Department Fee Schedule by resolution. Motion unanimously carried 4-0.

6. Consideration of Applicants for Planning Board Appointment.

Director Graham stated there are currently two empty seats on the Planning Board that remain to be filled due to individuals moving outside of the jurisdiction and/or expiration of their term. Kelvin Watson was an in-town appointee and Peter Koch served as an ETJ alternate. Both terms expired in June 2015. Mr. Watson has moved from the jurisdiction and therefore is not eligible for reappointment. Mr. Koch has declined to be considered for reappointment due to health issues. Director Graham stated staff is requesting Tim Marcham be reappointed to the Planning Board with a term expiration of June 2018. Director Graham stated there are 4 applicants for the remaining regular position, and there are no applications for the ETJ alternate position. Director Graham stated the 4 applicants for the regular

position are Ron Utley, Mike Ratkowski, Brian Bowles, and Bill Prevatte. A motion was made by Commissioner McMurray, seconded by Commissioner Dannelley, to reappoint Tim Marcham to the Planning Board as a regular member and appoint Brian Bowles to the Planning Board with term expirations of June 2018. Motion unanimously carried 4-0.

7:52 Resolution of Support for Moore County Comprehensive Transportation Plan.

Mayor Farrell stated he received a call from a business merchant on US Highway 1 that was concerned about the adverse affect on his business. Mayor Pro-tem Thomas stated he sees this as a great opportunity to plant trees/shrubbery in the center of the superstreet. Frankie McNeil shared his thoughts on the super street being proposed, and how he believes it will create more traffic on the roads, because when you want to go to a business on the other side of the street, you will have to pass it twice to go there. Mayor Pro-tem Thomas suggested talking with the Police Chief to see his thoughts on it, since New Jersey already has these super streets in place. Mayor Farrell asked if there is a timeline where this resolution needs action tonight. Director Graham stated Southern Pines has adopted a resolution, and she does not want to delay action on this item unless it is necessary. Commissioner Dannelley asked what involvement the Town will have once the plan is approved, so that the Board can make sure the concerns of business owners and citizens alike are factored into that design. Commissioner Dannelley stated he would like to show support now with the resolution, but he wants it to be a collaborative effort going forward. Director Graham stated NCDOT has assured the Town that they will continue to work with Town staff and business owners as they move forward with this project.

A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to approve the Resolution of Support for Moore County Comprehensive Transportation Plan. Motion unanimously carried 4-0.

8: Resolution to Accept Renewed Surety Bonds to Guarantee Infrastructure at Legacy Lakes.

Planner Kim stated the surety bonds guaranteeing infrastructure at Legacy Lakes is set to expire on 10/10/15. Planner Kim stated this resolution is to accept renewed surety bonds to guarantee infrastructure at Legacy Lakes. Mayor Farrell asked how long the unfinished roads can remain unfinished without the top coat of

paving. Planner Kim stated the last contact for El Star stated the top coat would be started in 2016. Ken Byrd stated the residents were told the top coat would be put on this past spring, then were later told this fall, now they are hearing 2016. Mr. Byrd stated it is very inconvenient for residents having to dodge manhole covers. Director Graham stated the original conditional use permit stated the top coat would not be required until development reaches 25%. Mr. Byrd stated at the current rate of development, the neighborhood will never reach 25%. Mayor Farrell asked if there is any way to tie the approval of these surety bonds to progress being made on the top coat. Director Graham stated she will need to research the conditional use permit for the project and see what the language is. Attorney Morphis recommended putting off action to 9/28/15 until some research could be done. The Board agreed to delay action until 9/28/15. Agenda Item scheduled for New Business on 9/28/15.

9. Resolution to Accept a Letter of Credit to Guarantee Installation of Sidewalks for Phase 1 of the Meadow Ridge Subdivision.

Director Graham stated Jackie Speight is the developer at Meadow Ridge, and the surety is primarily for sidewalks. Director Graham stated 4-5 homes are being built at a time. Director Graham stated she has worked directly with the bank on this issue, since Jackie is out of Town for personal reasons. Director Graham reviewed the terms of the letter of credit. Director Graham stated the replacement Letter of Credit is being prepared by Select Bank and should be available shortly. Director Graham stated this item could be delayed for action until the letter is received, if the Board would prefer. The Board agreed to delay action until 9/28/15. Agenda Item scheduled for New Business on 9/28/15.

10. Strategic Transportation Investments – Aberdeen Pedestrian Projects.

Director Graham stated the department put forth some projects for NCDOT funding and one of those was approved, which was the crossing across US Highway 1 to Aberdeen Lake Park. Director Graham stated the other item approved by resolution at that time, but did not make the cut, was the Johnson Street sidewalk. Director Graham stated we are now at the beginning of the process again, to present projects for consideration of funding, and staff would like to forward this project in the process. Commissioner Dannelley stated since all the ducks are in a row for this project, he would recommend putting this item back before NCDOT for

consideration. There was some discussion about adding sidewalks at Mike's Place, going to the residential neighborhoods. Director Graham stated the challenge, is that project is not in position to move forward at this point, which leaves us with the Johnson Street sidewalk project which is ready to move forward. The Board agreed to move forward with the Johnson Street sidewalk project.

11. Other Business.

a. Discussion on new trash pick-up schedule.

Mayor Farrell was concerned about citizens that have a Monday pick-up day, and all the holidays that fall on Monday. Commissioner Dannelley and Mayor Pro-tem Thomas stated they would like to see the Manager and staff look at this again, and see how Monday pick-up days could be handled on holidays.

b. Ditches on roadside.

Commissioner McMurray wanted to know how often the ditches on the roadside are dug out and cleaned. Manager Zell stated he will have Public Works work on that.

c. Main Street application.

Director Graham stated Aberdeen was selected for the Main Street Program. A meeting will be held next week with representatives from the NC Department of Commerce.

d. Findings of Fact.

Director Graham stated the Findings of Fact for conditional use permits typically reiterate decisions by the Board for a conditional use permit. Director Graham stated she discussed with the Attorney options available. Attorney Morphis stated there are a variety of items that could be approved by conditional use permit. Attorney Morphis stated in Aberdeen he really thinks it depends on how complicated the project is. Attorney Morphis stated he thinks staff is looking for some guidance on if providing findings of fact in advance to the Board is necessary for all conditional use permits. Attorney Morphis stated he thinks findings of fact may be helpful in complicated conditional use permits. Commissioner Dannelley asked how

staff would determine if the conditional use permit is complex or not? Attorney Morphis stated one option might be to determine during the public hearing if findings of fact are needed before a decision can be made. Commissioner Dannelley suggested making the decision at the Work Session prior to the public hearing, so that staff has guidance on how to prepare.

- e. Ken Byrd thanked the Board for their letter of support for the Friends of the Aberdeen Library.
- 12. Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to discuss a matter within the attorney-client privilege.

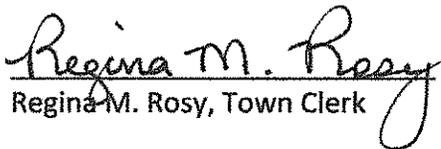
A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to discuss a matter within the attorney-client privilege. Motion unanimously carried 4-0.

The Board returned from Closed Session.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin to open regular session. Motion unanimously carried 4-0.

- 13. 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 September 14, 2015


Robert A. Farrell, Mayor

Minutes were approved
on September 28, 2015

that would result in the additional we would be...
...might be to determine whether...
...the right of the...
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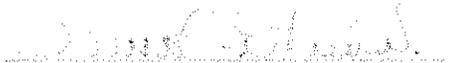
A motion was made by Commissioner...
...to go into Closed Session pursuant to N.C.G.S. 153-318.11(a)(2) to discuss...
...the...

The Board returned from Closed Session.

A motion was made by Mayor Pro-Tem...
...to open regular session. Motion unanimously carried 4-0.

Adjournment. 11

A motion was made by Mayor Pro-Tem...
...to adjourn the Work Session. Motion unanimously...
...the...


Robert A. French, Mayor


Robert A. French, Mayor

Minutes were approved
on September 28, 2012

Minutes were completed in
City form on September 28, 2012