

Minutes of Board Meeting
Regular Board Meeting
Aberdeen Town Board

October 26, 2015
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, October 26, 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, Elease Goodwin, and Pat Ann McMurray. Commissioner Buck Mims was not in attendance. Staff members in attendance were Planner Jae Kim, Planning Director Pam Graham, Police Chief Tim Wenzel, Deputy Chief Todd Weaver, Josh Kirk, Carl Colasacco, Ryan Marino, Anthony Williams, Steven Wyrick, Brian Chavis, Tyler Flynn, Austin Moss, Logan Deberry, Chris Davis, Alan Holmes, Marty Garner, Town Manager Bill Zell, Fire Chief Phillip Richardson, and Town Clerk Regina Rosy. Ron Utley, Tim Marcham, Ken Byrd, Tammy Lyne, Richard Shaw Ray, Ernestine Chapman, Wilma Laney, Tom Van Camp, and approximately 20 other citizens were also in attendance for the meeting.

1. Call to Order

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

Mayor Farrell asked everyone to please stand for the Pledge of Allegiance.

2. Setting of the Agenda

A motion was made by Commissioner McMurray, seconded by Commissioner Goodwin, to approve the setting of the agenda as presented. Motion unanimously carried 4-0.

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 September 28, 2015, Closed Session on September 28, 2015, Work Session on October 12, 2015, and Closed Session on October 12, 2015.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin, to approve the consent agenda as presented. Motion unanimously carried 4-0.

4. Informal Discussion and Public Comment

a. Volunteer Firefighters Association Presentation to the Board. Mayor Farrell stated the Fire Department is going to present a check to the Town Board this evening. Mayor Farrell read a brief description of the grant and stated \$124,000 is the total amount of the grant with the Town's portion included of \$5,904. Mayor Farrell stated these grant dollars will be used to buy turnout gear for the Fire Department personnel. Mayor Farrell stated the Volunteer Firefighters Association will be paying for the Town's portion of the grant and will be presenting the Town Board with a check tonight in the amount of \$5,904. Mayor Farrell stated the next fundraiser for the Volunteer Firefighters Association will be on November 14th and will be a captain's choice golf tournament. Chief Richardson stated during the budget process, the \$5,904 was cut from the Fire Department's budget, but the Volunteer Firefighters Association stepped in and raised the money needed to be able to still receive this grant.

- b. Swearing in of Police Officer Tyler Flynn.

Chief Wenzel read a brief biography of Tyler Flynn. Clerk Regina Rosy swore in Tyler Flynn as a Police Officer. Mayor Farrell stated he really believes the Town of Aberdeen employees are the best out there, and he thanked all employees for what they do for the Town and its citizens.

- c. Richard Shaw Ray.

Mr. Richard Shaw Ray stated he is here representing the Ray family that is buried in the oldest portion of Bethesda Cemetery. Attorney Morphis stated the hearing for this item has already been closed, and no new testimony can be accepted at this time.

- d. Superstreet.

A group of 16 concerned citizens asked to be heard this evening regarding the superstreet concept. Mr. Pat McLaughlin stated he is concerned about the following items:

- Removal of the stop lights:
 - Currently a lot of cross traffic that goes from one side of the road to the other and by eliminating the opportunity to cross over the highway, there will actually be more traffic from having to go down, turn around, etc.
 - The turn lanes will get to a point they will be backed up as well.
- The suggestion was made to not do a superstreet from Town & Country Shopping Center to Highway 501.

Mayor Farrell stated several suggestions were originally on the list of how to help prepare the roads for the future. Mayor Farrell stated the superstreet has not been designed out yet, and Aberdeen has been assured they will still have a voice in how this moves forward. Director Graham stated the superstreet is still just a concept at this point and details have not been worked out yet. Another concerned citizen stated she is concerned that Aberdeen businesses will lose out on business, because drivers will not want to go down to find a turn around to come back. Mayor Farrell stated Aberdeen has become a destination, and traffic is increasing.

Another concerned citizen was concerned about chicken trucks traveling down Saunders Road to get to Highway 211. Director Graham stated she is passing around a notepad for each of the people interested to provide their contact information, and when public input opportunities arise going forward then those persons will be contacted to let them know of the meeting dates and times to discuss this issue further.

Ron Utley – Ken Howell issue.

In 2003, Mr. Utley stated Mr. Howell was granted a 200' buffer between his commercial property and Mr. Utley's property. Mr. Utley stated now Mr. Howell has been granted an 80' buffer. Mr. Utley stated he hopes that someone is watching this issue, to make sure Mr. Howell is in compliance, since he does not believe anyone is currently monitoring this issue. Mayor Farrell stated he has received phone calls from neighbors about this issue. Mayor Farrell stated when you have residential property beside commercial property, these issues sometimes happen. Director Graham stated staff is monitoring this issue, and a lot of activity is currently happening on Mr. Howell's property, since he is in the process of complying

with the conditional zoning. Mayor Farrell asked if there is a time frame on this project. Director Graham stated no, there is no time frame, but Mr. Howell is eager to get John Deere Landscaping back up and running. Mr. Utley stated this has now become a huge nuisance where he lives. Mr. Utley stated he is requesting the current Board to be proactive, and not reactive to this issue.

5. Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to discuss matters within the attorney client privilege.

A motion was made by Commissioner McMurray, seconded by Commissioner Dannelley, to go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to discuss matters 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 McMurray, to open regular session. Motion unanimously carried 4-0.

6. Financial Report

Manager Zell reviewed the Financial Report. Manager Zell stated the General Fund was \$244,823 in the black at end of September. Manager Zell also pointed out noteworthy revenues and expenses for the past 3 months.

Manager Zell stated the Water & Sewer Fund is currently in the red, since September was not a billing month.

Manager Zell stated he will pick line items each financial reporting period to show the Board that may be standing out and show comparisons for numbers from the previous year. Manager Zell discussed the sanitation maintenance line item, and the engine trouble with the sanitation truck.

Commissioner Dannelley questioned a notation on the financial report about software issues. Manager Zell stated a meeting is scheduled for next week to meet with the software company, to work towards a resolution for these software issues.

7. Public Hearings and New Business

a. Consider action on Denial Document for Conditional Use Permit #15-03 submitted by Bethesda Ives, LLC.

All motion was made by Commissioner Dannelley, seconded by Commissioner McMurray, to approve the Denial Document for Conditional Use Permit #15-03 submitted by Bethesda Ives, LLC as written by the attorney. Motion unanimously carried 4-0.

b. Public Hearing on the following UDO Text Amendments:

(1) UDO #15-04 Regarding Military Notification.

Mayor Pro-tem Thomas opened the public hearing on UDO Text Amendment #15-04 Regarding Military Notification.

Director Graham stated the General Assembly has modified the requirements for local governments to provide notifications to the US Military for projects proposed within a five mile perimeter of a military installation. Director Graham stated the proposed text amendment will bring the UDO in line with these revised requirements. Director Graham stated the Planning Board recommended approval on this item.

Mayor Pro-tem Thomas closed the public hearing on UDO Text Amendment #15-04 Regarding Military Notification.

(2) UDO #15-08 Regarding the Definition for Hotels.

Mayor Pro-tem Thomas opened the public hearing on UDO #15-08 Regarding the Definition for Hotels.

Director Graham stated this text amendment is in regards to the definition of hotels in the UDO, regarding meal preparations in the rooms. Director Graham stated a recommendation has been provided for hotels— hotel defined as “a building in which temporary lodging is offered to the public for compensation, (which) is open to transient guests, and is not a “bed and breakfast” as defined herein. A hotel is synonymous with a “motel” and a “motor lodge.”

Director Graham stated when the Planning Board considered this item, there was some discussion about the threshold for temporary lodging. Director Graham stated the Planning Board did recommend approval of this item as presented.

Mayor Pro-tem Thomas closed the public hearing on UDO Text Amendment #15-08 Regarding the Definition for Hotels.

(3) UDO #15-13 Regarding Building Design.

Mayor Pro-tem Thomas opened the public hearing for UDO Text Amendment #15-13 Regarding Building Design.

Director Graham stated this text amendment is being proposed to bring the Town's UDO into compliance with recently adopted session law regarding a municipality's authority to regulate design and aesthetics on one and two-family dwellings. Director Graham stated the entire UDO section on duplexes has been repealed as a result of the statutory changes.

Mayor Pro-tem Thomas closed the public hearing on UDO Text Amendment #15-13 Regarding Building Design.

c. Consider action on the following UDO Text Amendments:

(1) UDO #15-04 Regarding Military Notification.

A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, that UDO #15-04 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried 4-0.

A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, that UDO #15-04 is reasonable and in the public interest. Motion unanimously carried 4-0.

A motion was made by Commissioner Dannelley, seconded by Commissioner McMurray, that the Town of Aberdeen Board of Commissioners approves the following amendment to the Town of Aberdeen UDO: Amend subsection 152-323 as indicated in the draft text amendment. Motion unanimously carried 4-0.

(2) UDO #15-08 Regarding the Definition for Hotels.

A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, that UDO #15-08 is not inconsistent with

comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried 4-0.

A motion was made by Commissioner Goodwin, seconded by Commissioner Dannelley, that UDO #15-08 is reasonable and in the public interest. Motion unanimously carried 4-0.

A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, that UDO #15-08 is reasonable and in the public interest. Motion unanimously carried 4-0.

A motion was made by Commissioner Dannelley, seconded by Commissioner McMurray, that the Town of Aberdeen Board of Commissioners approves the following amendment to the Town of Aberdeen UDO: Amend subsection 152-15 as indicated in the draft text amendment. Motion unanimously carried 4-0.

(3) UDO #15-13 Regarding Building Design.

A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, that UDO #15-13 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried 4-0.

A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, that UDO #15-13 is reasonable and in the public interest. Motion unanimously carried 4-0.

A motion was made by Commissioner Dannelley, seconded by Commissioner McMurray, that the Town of Aberdeen Board of Commissioners approves the following amendment to the Town of Aberdeen UDO: Amend UDO Article XI, Part 2, "Supplementary Use Regulations" as indicated in the draft text amendment. Motion unanimously carried 4-0.

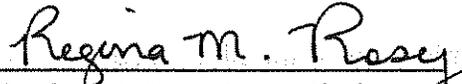
8. Other Business

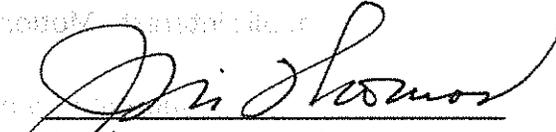
a. Donation of Land.

Manager Zell stated a couple weeks ago a landowner called him and offered to donate a piece of property to the Town, which is located right behind the Lucky Star store, leading into Aberdeen Lake Park. Manager Zell stated the attorneys are working on the deeds right now.

9. **Adjournment**

A motion was made by Commissioner Goodwin, seconded by Commissioner McMurray, to adjourn the Board Meeting. Motion unanimously carried 4-0.


Regina M. Rosy, Town Clerk


Jim Thomas, Mayor Pro-tem

Minutes were completed in Draft form on October 26, 2015
Minutes were approved on November 23, 2015