

**Minutes**  
**Regular Board Meeting**  
**Aberdeen Town Board**

**January 25, 2016**  
**Monday, 6:00 p.m.**

**Robert N. Page Municipal Building**  
**Aberdeen, North Carolina**

The Aberdeen Town Board met Monday, January 25, 2016 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, Buck Mims, Ken Byrd, and Elease Goodwin. Staff members in attendance were Planning Director Pam Graham, Planner Kathy Blake, Planner Daniel Martin, Town Manager Bill Zell, Town Clerk Regina Rosy, Police Chief Tim Wenzel, Deputy Chief Todd Weaver, Deputy Chief Carl Colasacco, Captain Josh Kirk, Officer Farley Bowers, Officer Leigh Ann Brooks, Officer Oliver Reilly, Officer Jesse Smith, Officer Justin Newberry, Officer Brian Chavis, and Officer Tyler Flynn. Tim Marcham, Reporter for The Pilot Laura Douglass, Allan Casavant, Bryan Bowles, Jonathan Rivenbark, Sharon Stevens, Pat Caddell, Tammy Lyne, Frances Bosworth and approximately 10 other citizens were also in attendance for the meeting.

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

**1. Call to Order**

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

**a. 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 Mayor Pro-tem Thomas, seconded by Commissioner Byrd, to approve the setting of the agenda as presented. Motion unanimously carried 5-0.

**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 December 14, 2015 and Work Session on January 11, 2016.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, to approve the consent agenda as presented. Motion unanimously carried 5-0.

#### 4. Informal Discussion and Public Comment

- a. Oath of Office for Police Sergeant Jesse Smith.

Chief Tim Wenzel stated Officer Jesse Smith has been promoted to Police Sergeant. Clerk Regina Rosy administered the oath of office for Sergeant Jesse Smith.

Chief Wenzel recognized Investigator Oliver Reilly with a Certificate for completing 508 Hours of training in the Criminal Investigations Training Program. Chief Wenzel stated Detective Reilly was awarded a Certificate for this achievement, and Detective Reilly is one of 74 recipients in the State of NC to receive this award.

- b. Discussion with Family Promise Regarding Temporary Residential Uses.

Planning Director Graham stated Family Promise of Moore County is here tonight to discuss a proposal for a project in Aberdeen's jurisdiction. Director Graham stated this is just an informal discussion about potential land use. Director Graham stated Family Promise is a non-profit agency dedicated to alleviating homelessness in Moore County. The potential site that Family Promise is looking at is 1.34 acres and is owned by Jim and Ellene Busby at 400 Saunders Blvd. Director Graham displayed a vicinity zoning map of the property. Director Graham displayed the description of R6-10 District zoning. Director Graham stated the UDO's Table of Permissible Uses allows multi-family uses in the R6-10 District, but restricts temporary homes for the homeless or overnight shelters for the homeless to the Office/Institutional (O-I) District. Director Graham stated she has been working with the applicant for almost 2 years to find suitable property in the O-I District, and those properties are few and far between. Staff has advised representatives

from Family Promise that a conditional zoning is an option for this property, which would allow all currently permitted uses in the R6-10 District to remain, but could allow an additional use that could accommodate the proposed use.

Susan Bellew, Director of Family Promise in Moore County, stated they are part of a national program that provides women and children with temporary shelter and food. In the evening, church volunteers provide food and provide transportation between the shelters. Criminal background checks and drug screens are conducted on all adults that come into the shelter. Ms. Bellew stated they work with up to 3 families at a time. Commissioner Byrd asked the number of people that have been helped with this program. Ms. Bellew stated 18 moms, and 31 children have been helped this past year with this program. Commissioner Dannelley asked if this proposed home would replace church facilities for this program. Ms. Bellew stated this house would end the use of church facilities for these shelters. Mayor Farrell asked about the Peach Street facility. Ms. Bellew stated the Peach Street property would be sold if this proposal is approved. Commissioner Mims asked which churches are involved with this program. Ms. Bellew stated there are currently 10 local churches including Brownson Presbyterian, St. Anthony's, Bethesda Presbyterian, Culdee Presbyterian, and West End Presbyterian.

Mayor Farrell asked what staffing would be needed for this proposal. Ms. Bellew stated she is full-time, and there are several part-time staff used, but otherwise they rely on volunteers. Ms. Bellew stated there are 6 bedrooms, and there is a bathroom in each bedroom. Ms. Bellew stated they have been great neighbors on Peach Street and would be great neighbors at the proposed location as well.

Director Graham stated staff is not asking the Board to make any decision tonight. Director Graham stated the property owner, Mr. Busby is here this evening if the Board has any questions for him. George Griffin, a volunteer with Family Promise, stated this past weekend during the snow and ice, a family being served was not able to be moved because of the weather and they had to stay in a motel. Mr. Griffin stated Aberdeen has been very supportive of this project since the beginning and they really want to keep this program in Aberdeen.

## 5. Financial Report

Manager Zell stated for the General Fund the Town is \$626,608.02 above expenses through December receipts. Under the noteworthy revenues you can see that our sales tax and hold harmless receipts continue to come in strong, and we were very surprised by how well the utilities franchise tax and video sales tax receipts were for the second quarter. Manager Zell stated on the noteworthy expenses he wanted to bring the economic incentives payment of \$14,311.86 to the Board's attention, which represents Aberdeen's share of the cost of the feasibility study for the new Sports Complex.

Manager Zell stated for the Water and Sewer Fund, with December not being a billing month, we just added the expenses to last month's total. Manager Zell stated we'll probably not show any black ink for this fund until July's receipts at the end of the fiscal year.

Manager Zell stated at the back of the financial report there are several graphs that Finance Officer Beth Wentland has put together for three individual revenue streams. The first graph shows our largest revenue which is the real and personal taxes, where you can see a comparison of this fiscal year versus last fiscal year. Manager Zell stated you can see that these revenues don't come in at the same rate each month. For the July through December receipts, we are \$284,713.68 ahead of last year's collections. The second set of graphs shows our sales tax and hold harmless receipts comparing the same period as above. So far sales tax and hold harmless collected through November we are \$26,248.44 ahead of last year's collections. The third set of graphs represents the collection of utilities franchise and video sales tax receipts. On the utilities franchise revenue we received the highest quarterly receipts ever at \$141,012.54. Now that's a trend we'd like to maintain.

Manager Zell stated the Finance Officer has put together three excel spreadsheets comparing vehicle maintenance costs, equipment maintenance costs, and fuel costs between this fiscal year and last fiscal year. On the first set of spreadsheets showing our vehicle maintenance costs you can see we've spent almost the same amount through the first half of the fiscal year as last year, but last year it was spread out over several departments and this year it's mostly one department. The second set of spreadsheets showing equipment maintenance costs, we've spent \$6500 less in the first half of the fiscal year, and it would be nice to continue that trend. Manager Zell stated on our last set of spreadsheets showing

our fuel costs, you can see a significantly less expenditure through December. In fact we've spent 67.45% of what we spent through the same period last year. With fuel costs down we're saving significant dollars. Manager Zell asked if there were any questions.

Commissioner Mims asked about the vehicle maintenance costs, and Manager Zell explained how even though a lot of miles are not put on some of these vehicles, they are running many hours a day which creates a lot of wear and tear.

Commissioner Byrd stated this past Friday there was a big weather event in the area, and he looked out his window and the sanitation crews were collecting refuse. Commissioner Byrd stated that was wonderful to see Aberdeen's finest employees out there collecting refuse in those conditions.

## 6. New Business

- a. Consider adoption of Decision and Conclusions of Law for Conditional Use Permit #15-07 submitted by Bethesda Ives, LLC.

Mayor Farrell stated due to advice from the Town Attorney, he will be recusing himself again from this item, which will include Items 6a and 6b.

Director Graham stated the decision was made at the last meeting on 1/11/16, but the final decision document was not prepared at that time. Director Graham stated the final draft of the decision document was included in the agenda packet for the Board's review.

Commissioner Byrd asked about Item #16 for Plan B (Plan B submitted by the applicant satisfies all of the requisite standards pursuant to the UDO) – and he stated that is not a true statement, since the Board found fault with Plan B due to the cul-de-sac. Director Graham stated there was a vote taken following discussion on this plan which was approved 3-2. Commissioner Byrd stated there is still 1 road that violates the UDO. Commissioner Byrd then pointed out Condition #19 (The extension of Road C to intersect with E.L. Ives Drive will cause a significant disruption to the established neighborhood on E.L. Ives Drive) - Commissioner Byrd stated he doesn't know what that was based on since no input was received by the Board to verify this. Commissioner Byrd also pointed out #20 (That Road A on Plan B is a cul-de-sac exceeding the length permitted in the UDO. No practical alternative to Road A exists as Plan C, if constructed, will cause more environmental

disturbance and more disruption to an established neighborhood) – he didn't feel there was a basis for this statement either. Director Graham stated these findings of facts are not necessarily verbatim from previous discussions, but are a way to move this item forward and provide a reasoning for how the Board reached the decisions they made. Commissioner Byrd stated he does not feel these are appropriate findings of fact, since it does not accurately reflect what the Board discussed, and is not representative of the facts. Director Graham stated the Town Attorney is not here this evening, and she can not act as an attorney.

Commissioner Dannelley stated he thinks we need clarification from the Town Attorney on why this verbiage is included in the final document when it may not have been a matter of public record. Commissioner Dannelley stated he thinks it is important for any Commissioner to have their questions answered on this specific CUP. Commissioner Dannelley asked if those are the only conditions in question, so this issue can be resolved as quickly as possible. There were no other issues identified. Commissioner Mims stated to Commissioner Byrd's point, there was no one from the adjoining neighborhood at the last meeting, and he would like to get the Town Attorney on the phone now if possible to address these concerns.

Director Graham contacted Attorney Al Benshoff by phone and placed him on speakerphone - first question was on Condition #16, and that there was not unanimous agreement on this condition, since the vote was 3-2. Attorney Benshoff stated this was adopted by a majority of the Board, and if there is no other practical alternative, then Plan B can be considered. Commissioner Byrd stated there was a practical alternative, which was Plan C, per the Town's UDO, and he does not want to set the Town up for future issues. Attorney Benshoff stated he thought Plan C was an impractical alternative. No progress was reached on the first finding of fact in question.

Director Graham next moved to Condition #19 – Attorney Benshoff stated if there are other recommendations for this condition then the wording can be revised. Attorney Benshoff stated the Board needs to be comfortable with their own findings of fact. Attorney Benshoff stated he feels what was prepared for the findings of fact was a comfortable reflection of what the Board discussed. Commissioner Mims stated he feels what was prepared was reasonable and he feels Items 16, 19 and 20 (for Plan B) were all based on the premise of his motion at the previous meeting. Commissioner Byrd stated he does not feel these conditions are representative of what was discussed. Commissioner Mims stated he thinks

16, 19 and 20 are the premise for Plan B, and what the ordinance says about not having a practical alternative. Attorney Benshoff pointed out for the record that he can not hear the discussion and questions that are being asked in the background. Commissioner Mims stated he thinks this item should move forward tonight since this item has been delayed long enough. Commissioner Byrd stated he thinks findings of fact should be based on fact – and he is concerned about setting up the Town for future issues. Director Graham stated this document was prepared by the Town Attorneys and this is what they felt comfortable with.

A motion was made by Commissioner Byrd to tweak the language in this document to make it factual, and bring back to the next meeting on February 8, 2016 so that the findings of fact are legalistically factual. Motion failed for lack of a second.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, to adopt the formal decision document and conclusions of law. Motion carried 4-1, with Commissioner Byrd voting no.

Pat Caddell stated she and her husband Jerry have lived on E.L. Ives Drive for 36 years, and 35 of those years have been under the Town's rule. Ms. Caddell stated she is confused about which road changes have been made to the CUP. Director Graham pointed out that the decision document is not finalized yet, since there are 2 motions specifically to be made, and she stated Ms. Caddell will need to wait until those motions have been made before providing any more comments or testimony.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, to approve the foregoing Findings of Facts for Plan C, Conclusions of Law for Plan C, and the Permit. Commissioner Dannelley wanted to clarify that the Board as a whole found that the project would not endanger the public health or safety, will not injure the value of adjoining or abutting property, will be in harmony with the area in which it is located, and will be in general conformity with the land-use plan, thoroughfare plan, or other plan officially adopted by the Town Board. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, to adopt the foregoing Findings of Fact for Plan B, Conclusions of Law for Plan B, and the Permit. Motion carried 4-1, with Commissioner Byrd voting no.

Director Graham asked Ms. Caddell if she wanted to finish addressing the Board. Ms. Caddell stated her issue is related to the minor modification. Director Graham stated that is the next item on the agenda so she will call her up once the presentation has been made.

b. Minor Modification to Conditional Use Permit #15-07 Requested by Bethesda Ives, LLC.

Director Graham stated Bethesda Ives, LLC requests modifications to the recently approved conditional use permit. Director Graham stated Section 152-65(D) of the UDO provides authority to the Zoning Administrator to determine whether amendments to and modifications of permits fall within one of three categories as follows:

- Insignificant deviations – changes that have no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. Insignificant deviations may be approved administratively.
- Minor Changes – changes that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. Minor changes are approved by the permit-issuing authority but require no public hearing.
- Major changes – all other requests for changes are processed as new applications. In this case, a new conditional use permit application and public hearing would be required.

Director Graham stated staff has determined that the requests are Minor Changes, requiring approval from the Board but not requiring a new application. The Board may override staff's determination and place the request in one of the two remaining categories. If the Board does not override the determination, a decision on the Minor Change is requested.

Director Graham stated details of the request include the following:

1. A revision to the lot layout of the subdivision would remove three lots (18, 19, and 20) from the subdivision plat. The revised plat will indicate 35 lots rather than 38 as originally approved. Director Graham displayed a minor subdivision plat of the property and pointed out where lots 18, 19, and 20 are located.
2. A revision to the street layout of the subdivision would reconfigure the entry into the subdivision. The new proposal removes the entry from

Bethesda Road and extends Proposed Road B to E.L. Ives Drive. Director Graham displayed a layout of the most recent plan provided by the engineer.

3. A third revision included in the request involves a change to the sidewalk layout. The current plan proposes sidewalks only on one side of the road on all areas that do not bound lots proposed by the subdivision as well as where lots are not proposed by the subdivision. Sidewalks are also not proposed for the end of E.L. Ives Drive.

4. Lastly, the developer is asking that the remaining lot that was identified as having the potential for unmarked graves (Lot 21) carry a sixty (60) day restriction on commencement of construction, reduced from the six (6) month period included as condition #18 of CUP approval.

Director Graham stated if the request is granted in full, the request for a lot exchange would impact conditions 4, 5, 7, 9, and 18 of CU #15-07.

Mayor Pro-tem Thomas called Allan Casavant to speak. Allan Casavant stated after the last meeting, he met with the Bethesda Cemetery Association on those 3 lots, and agreed on a price. Mr. Casavant stated lot #18 will be a minor subdivision and not part of this development. Mr. Casavant stated fire hydrants will be installed per code. Mr. Casavant also suggested changing the UDO to read "better" instead of practical. Commissioner Mims asked whose idea it was to change the sidewalks. Mr. Casavant stated it was their idea, but the Planning Board approved it unanimously.

Mayor Pro-tem Thomas next called Tammy Lyne to speak. Ms. Lyne declined speaking at this time.

Pat Caddell stated she does not feel this is a minor modification, since this is not an insignificant deviation to the neighborhood. Ms. Caddell discussed the traffic concerns in the neighborhood, and the probability of more accidents. Ms. Caddell was concerned about adding the additional road, which creates more impervious surface, and she was concerned where all the water was going to go. Ms. Caddell stated E.L. Ives Drive is a neighborhood, and should not be used for a cut through, which is what this proposal seems to be. Commissioner Mims thanked Ms. Caddell for standing up for her community and being here this evening, and explained the legal term of "minor and insignificant" and why they are used.

A motion was made by Commissioner Byrd, seconded by Commissioner Mims, that Road B be reconfigured to connect to E. L. Ives

Drive, and no sidewalks on that portion only. Motion unanimously carried 5-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Mims, that proposed Road A be reconfigured to begin at Proposed Road B as opposed to Bethesda Road. Motion unanimously carried 5-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Mims, that lots 18, 19, and 20 be removed from the project area, due to potential sale lots to Bethesda Cemetery Association. Motion unanimously carried 5-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Mims, that sidewalks be laid out in accordance with what the Planning Board recommended to the Town Board and reduce impervious surface and make use of other materials for walking paths. Motion unanimously carried 5-0.

Frances Bosworth stated the Bethesda Cemetery Association has not had a chance to contact UNCP yet, so they are not sure what the time table is at this point to conduct the search for unmarked graves. Mr. Casavant stated he is ok with this last item not being approved, if it would make everyone happier. Mr. Casavant stated Bill Clark Homes is buying the first 10 lots, and he will not be building them all at once, so it would be ok to push that lot towards the end of the development for those first 10 lots. A motion was made by Commissioner Byrd, seconded by Commissioner Dannelley, to reduce the time that Lot #21 must sit undeveloped from 6 months to 3 months, so that the Bethesda Cemetery Association has time to complete their search for unmarked graves. Motion unanimously carried 5-0.

Consider appointment to the Parks & Recreation Advisory Committee.

Manager Zell stated after the last election, there was a vacancy created on the Parks & Recreation Advisory Committee. There are four applicants for the vacancy including Wilma Laney, Jonathan Rivenbark, Jerry Jones, and Jennifer Bowles. A motion was made by Commissioner Byrd to consider Jonathan Rivenbark for the vacancy on the Parks & Recreation Advisory Committee. Motion failed for lack of a second.

A motion was made by Commissioner Mims, seconded by Commissioner Dannelley, to appoint Wilma Laney to the Parks & Recreation Advisory Committee. Motion unanimously carried 5-0.

Consider action on Resolution Directing the Clerk to Investigate a Petition for Annexation for Property located at 131 Michael Lane Submitted by Bill Clark Homes. A motion was made by Commissioner Mims, seconded by Commissioner Dannelley, to direct the Director Graham introduced Planner Kathy Blake to the Board. Director Graham stated a petition has been received for contiguous annexation for a tract making up an un-annexed portion of Hidden Valley Estates. The tract totals 0.46 acres and is located at 131 Michael Lane.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, to accept the petition requesting annexation including deed and survey, and to adopt the Resolution Directing the Clerk to Investigate a Petition for Annexation. Motion unanimously carried 5-0.

Consider action on AT&T Lease Renewal Amendment.

Manager Zell stated AT&T has been holding a cell antenna at Tank #3 on Highway 5 since 1997. Manager Zell stated we are currently in the 2<sup>nd</sup> year of a 5 year lease for this antenna. AT&T wants to give the Town security for up to 15 years with this proposed lease renewal. Manager Zell stated the lease would begin on February 1, 2020, and would be for three (3) five-year terms. Commissioner Mims asked if any comparative study has been completed to see if 6% is a fair increase. Manager Zell stated Attorney Bob Hornick reviewed this and was very comfortable with the dollar amounts. Commissioner Mims asked who made the offer of 6%. Manager Zell stated AT&T offered it, and the Town felt it was fair. Commissioner Mims asked if the offer was counteroffered, as just a suggestion. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Byrd to approve the AT&T Lease Renewal Amendment. Commissioner Dannelley asked if this limits the Town's options for other companies to come in and leverage that tower for other purposes. Manager Zell stated no, other antenna leases are on this same tower as well. Commissioner Dannelley asked what the terms are for the other antenna leases. Manager Zell stated he can get that information for Commissioner Dannelley if he would like it. Motion unanimously carried 5-0.

- f. Consider action on Resolution to Amend the Town of Aberdeen Personnel Policy to add in a Whistleblower Policy.

Manager Zell stated due to grant funding requirements for a grant received by the Police Department, the Town is required to have a Whistleblower Policy in place. Manager Zell stated our Personnel Policy does not currently include a Whistleblower Policy. A motion was made by Commissioner Byrd, seconded by Commissioner Dannelley, to approve a Resolution to Amend the Town of Aberdeen Personnel Policy to add in a Whistleblower Policy. Motion unanimously carried 5-0.

- g. Consider action on Mid-Year Budget Amendments.

Manager Zell stated after the first 6 months of each year, he asks the Finance Officer to see if anything has come in over budget and anything that needs to be brought up at mid-year. Commissioner Mims asked if these budget amendments could be discussed at the next meeting, so he has more time to review them. Commissioner Dannelley stated he would prefer that as well. The Board agreed to delay this item to the Work Session on February 8, 2016.

## 7. Other Business

- a. Grants Update Presentation.

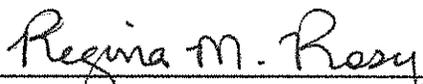
Planner Martin stated this is the standard grant update presentation which is done on a quarterly basis. Planner Martin stated the ITPP – Sewer Improvements project is off schedule due to the job creation, and they are currently at 60 full-time jobs as of 1/19/16. A 12-month extension was received which carries the grant to 1/1/2017 to meet their job mark of 79 full-time jobs.

Planner Martin stated the Building Reuse Grant is complete except for the job creation part. Planner Martin stated they are currently at 60 full-time jobs, and 21 additional jobs are needed to fulfill the grant.

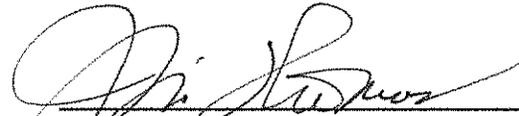
Planner Martin stated the 2012 SBEA Grant is not essentially off schedule. The close out public hearing will be conducted in May of this year so close out documents can be submitted by 6/30/2016. Commissioner Mims thanked Planner Martin for keeping up with these grants so well.

8. Adjournment

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, to adjourn the Board Meeting. Motion unanimously carried 5-0.

  
Regina M. Rosy, Town Clerk

Minutes were completed in  
Draft form on January 25, 2016

  
Jim Thomas, Mayor Pro-tem

Minutes were approved  
on February 22, 2016

