

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

4. Informal Discussion and Public Comment

- a. Manager Zell stated he would like to schedule a date for the Board members to visit the Academy of Moore County. April 20th was the date determined from 1:00 – 3:00 p.m. for 4 of the Board members to attend.
- b. Mayor Farrell stated the Spring Spree is scheduled for May 21, 2016.
- c. Manager Zell reminded Board members that the Partners in Progress Banquet is scheduled for tomorrow evening at 6:00 p.m. at the Carolina Hotel.

5. Financial Report

Manager Zell stated for the General Fund as you can see we are \$900,428, above expenses through February receipts. Under the noteworthy revenues the R&P taxes came in at \$368,203 and the sales tax and hold harmless receipts continue to come in strong. We have collected 102% of the property taxes we budgeted this fiscal year through the end of February.

Manager Zell stated for the Water and Sewer Fund, with February not being a billing month, we were not able to show a gain of revenue over expenses. This fund will be up and down since we bill every other month. Manager Zell stated he is confident though that at the close of the fiscal year we'll finish strong.

Manager Zell stated at the back of the financial report you'll find several graphs that our 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. You can see that these revenues don't come in at the same rate each month. For the July through February receipts we are \$223,203 ahead of last year's collections. The second set of graphs shows our sales tax and hold harmless receipts comparing the period of July through January. For sales tax and hold harmless collected through January we are \$32,194 ahead of last year's collections. The third set of graphs represents the collection of utilities franchise and video sales tax

receipts. Since we receive these revenues quarterly there will be no change here until our next receipts in April.

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 \$2764 more through the first eight months of the fiscal year as we did for the same period last year. This year the Sanitation department has borne the bulk of these costs. The second set of spreadsheets showing equipment maintenance costs, we've spent \$16,381 less in the first eight months of the fiscal year, and we hope this trend continues. On our last set of spreadsheets showing our fuel costs, where our significantly less expenditures continued through February. In fact we've spent 67.97% of what we spent through the same period last year. In actual dollars we've spent \$40,675 less than last year through February. Manager Zell asked if there are any questions. There were no questions from the Board members.

6. Public Hearings and New Business

a. Public Hearing for Conditional Zoning Request #16-01 submitted by Family Promise of Moore County.

Mayor Farrell opened the Public Hearing for Conditional Zoning Request #16-01 submitted by Family Promise of Moore County.

Planning Director Pam Graham stated Family Promise of Moore County requests a conditional zoning from R6-10 to R6-10 CD (Conditional District) for property located at 400 Saunders Blvd. Director Graham stated Family Promise is a non-profit agency dedicated to alleviating homelessness in Moore County by providing shelter, meals and hospitality to homeless families with children through a cooperative network of local congregations, including Bethesda Presbyterian in Aberdeen.

Director Graham stated the potential site is 1.34 acres and is property owned by Jim and Ellele Busby located at 400 Saunders Blvd. Director Graham displayed an aerial photograph of the property. Director Graham next displayed a vicinity zoning map of the property. Director Graham stated the R6-10 District was established where the principal use of land is for

single-family, two-family, and multi-family residences. The regulations of this district are intended to provide areas of the community for those persons desiring small residences and multi-family structures in relatively high-density neighborhoods. The regulations are intended to discourage any use that would interfere with the residential nature of the district. Director Graham stated this housing is for temporary uses by the occupants until they can find permanent housing. Director Graham stated there has been difficulty in finding suitable available property in the O-I District, which is why the applicant is now considering this option.

Director Graham stated 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 to remain, but would allow an additional use to be added for this property only that could accommodate the proposal.

Director Graham stated the basis of conditional zoning is the following:

- Conditional Zoning Districts allow for the establishment of certain uses, which because of their nature or scale, have particular impacts on both the immediate area and the community as a whole.
- Approval creates a new district specific to the parcel(s) under consideration.
- The approval imposes standards for the districts, limited to the subject property only, and may impose additional standards as appropriate.

Director Graham stated Family Promise is a registered non-profit entity that provides shelter, meals, and hospitality to homeless families with children, with a distinct focus on children and mothers. Support services such as transportation, advocacy, and parenting and financial education classes are offered, working towards self-sufficiency for their participants. Director Graham stated applicants to the program are screened for need and eligibility requirements, including being drug and alcohol free and not suffering from mental illness. Director Graham stated an independent Board of Trustees oversees all operations and provides additional support to the programs. Director Graham stated the average length of stay in 2015 was 36 days, and the maximum stay allowed is 90 days.

Director Graham reviewed the site conditions as follows:

The property contains 1.34 acres with over 270 feet of road frontage on Saunders Blvd;

An unopened town right-of-way exists along the western boundary;

The northern boundary adjoins the Kensington Village community where single-family home lots average 6-7,000 square ft.;

- To the south and west is the Park at Clearwater Apartment complex;
- Property across Saunders Blvd. is vacant;

The property is owned by Jim and Ellele Busby and has been their primary residence for many years. With the transition of the surrounding area to higher density residential uses the property's continued use as a single family home has become less viable;

- The one-story brick home, built in 1996, contains 6 bedrooms and 6 full bathrooms; with total living area of 3,160;
- Town water and sewer are supplied to the property.

Director Graham displayed another aerial photograph of the property.

Director Graham stated general conformity with plans includes the following:

The 2030 Land Development Plan's Future Land Use Map identifies the property as high-density residential, which is consistent with most uses in the vicinity with the exception of the subject property. Director Graham stated staff considers the proposal to be in general conformity with the Land Development Plan.

Director Graham reviewed the analysis of impact on the immediate area and community as a whole which included the following:

- The proposed use is not expected to have a negative impact on the surrounding properties, partially due to the size of the site (1.34 acres) and because the proposed use is compatible with other residential properties in the vicinity.

- A Family Promise staff person will be on site at all times when program participants are present; visitation is limited, and participants remain on site in the evenings unless they are working or attending a special event.

- The existing driveway and vehicle accommodation areas provide adequate space for staff and resident parking and the driveway has adequate width and distance from intersections and other driveways for safe ingress and egress.

- The existing home will not be altered in any way that may be incongruent with the residential nature of the area.

- Ample screening exists and is expected to remain.

Director Graham stated all conditional zoning applicants are required to hold a community meeting and provide notice of the meeting to all adjoining property owners. Family Promise held this meeting on March 10th and had no attendance or written responses from the public. Since that date, staff has received two letters of recommendation from neighbors of their current operation on Peach Avenue.

Director Graham stated a letter was received from Johnny Owens – who is the current adjoining property owner of Family Promise. Director Graham also read a letter received from Deputy Fire Chief Richard Allred. Each of the letters were in support of the project.

Director Graham provided the following application responses for the project:

- How do the potential uses in the new district classification relate to the existing character of the area? The conditional zoning parallels the existing zoning of the surrounding properties. Many are multi-family. Family Promise will discourage any use that would interfere with the residential nature of the R6-10 district.

In what way is the property proposal for rezoning suited for the potential uses of the new district? The building meets the requirements Family Promise has searched for in order to carry on its mission.

- How will the proposed rezoning affect the value of nearby properties? The proposed zoning should have no effect on values within the neighborhood as no structural changes are needed for the existing building. There should be no impact upon the residential nature of the district. Family Promise has no intention of changing the existing structure. They plan to use the residence as multi-family with on-site management.

- Can adjacent areas be developed in compatibility with the proposed rezoning? All adjacent areas, including the vacant area across Saunders Blvd., are zoned R6-10 which is a mixed use of single, two and multi-family residences. The conditional zoning of one structure should not impact the further development of the district.

- Will the proposed rezoning adversely affect traffic patterns and flow in adjacent areas? No, traffic would be consistent with what exists currently.

Recommended conditions for the project include the following:

Any and all approvals including but not limited to permits from the Town or other regulatory agencies must be obtained prior to issuance of a notice to proceed.

The applicant shall retain existing vegetation on the property to ensure compliance with landscaping and screening requirements.

- A fence at no less than four feet in height shall be installed along the property line that borders the pond.

Any expected changes in the use of the property shall be reported to the Town of Aberdeen Planning Department and will be contingent on necessary approval(s).

- Conditional and Special Use Permits for the uses on the property approved by CZ #16-01 shall not be required.

Staff is directed to enter CZ District R6-10-CD for the property on the official zoning map.

Susan Bellew, with Family Promise, stated that they average working with 3 families at a time, and the average stay is 38 days.

Mary Burgess stated she has been a volunteer with Family Promise for almost 15 years, and it is a wonderful program. Families are carefully screened. Ms. Burgess stated it is extremely difficult for these families to be moved from church to church each week, and to be able to stay in one place would be a tremendous gift.

Sarah Ahmad, 206 N. Poplar Street, stated she feels like this is a win-win for everyone. Ms. Ahmad stated she has volunteered with this organization over the years, and Ms. Bellew really runs the operation very professionally.

Mayor Farrell asked who would own the deed to the home. Ms. Bellew stated it would be in the name of Family Promise, which is a non-profit corporation. Commissioner Byrd asked if there is any problem with installing the fence. Ms. Bellew stated no, they would have installed the fence any way.

Commissioner Mims made the Board aware that Mr. Busby has been his accountant for several years, and he just wants the other Board members to be aware of that in case there is any conflict of interest. The Board members did not see a conflict of interest.

Commissioner Dannelley asked if many years later the home is sold, would the conditional zoning stay with the property? Director Graham stated all current permitted uses stay with the property, along with this new conditional zoning district if approved this evening. Director Graham stated she feels like that would not be a deterrent, but rather would give an additional opportunity for any future owner of the property.

With no further discussion, Mayor Farrell closed the public hearing.

b. Consider action on Conditional Zoning Request #16-01 submitted by Family Promise of Moore County.

Director Graham stated this item is ready for a vote if the Board so chooses.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to approve the Conditional Zoning #16-01 with conditions as listed. Motion unanimously carried 5-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, that Conditional Zoning #16-01 is consistent with applicable plans of the Town of Aberdeen. Motion unanimously carried 5-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, that CZ #16-01 is reasonable and in the public interest. Motion unanimously carried 5-0.

c. Public Hearing for Conditional Use Permit #16-02 submitted by Ace Homes, LLC for a Major Subdivision.

Mayor Farrell opened the Public Hearing for Conditional Use Permit #16-02 submitted by Ace Homes, LLC for a Major Subdivision.

Town Clerk Regina Rosy swore in Allan Casavant and Jeff McCluskey.

Director Graham stated Ace Homes, LLC requests a conditional use permit for a 91 lot single family subdivision on two adjoining parcels comprising a total of 42.39 acres. The parcels are located at the southwest intersection of Roseland Road and Shepherd's Trail. Director Graham stated the applicant seeks approval of the use, open space, and number of lots subject to final engineering through the Site Plan Review Process. Additional

construction detail will be provided at that time for staff review. Director Graham stated Aberdeen's UDO requires that all major subdivisions apply for a conditional use permit.

Director Graham displayed two aerial photographs of the property. Director Graham stated the property is located just northwest of the intersection of Roseland Road and Shepherd's Trail in the R10-10 Zoning District. Director Graham stated the R10-10 district was established where the principal use of land is single-family residences, with regulations intended to provide areas for persons wishing to live in medium-density neighborhoods and to discourage uses that interfere with the residential nature of the district.

Director Graham displayed a vicinity zoning map of the property. Director Graham displayed a development lot layout plan. Director Graham stated a previous plan was denied for this project, due to non-compliance with UDO requirements, but this new plan presented does meet the requirements of the UDO.

Director Graham stated there are 2 entrances proposed off of Shepherd's Trail. Director Graham stated open space is required at 20% of the total acreage and it is proposed for the southern-most portion of the property, which contain the steepest slopes, existing stormwater ponds, and the majority of tree cover. Water bodies may be counted towards the open space requirement as long as they satisfy the following:

- Are at least 50 feet in width and function or will function as a substantial visual buffer, and
- Are configured or improved (e.g. through the installation of trails) in such a way as to be conducive to actual use for pedestrian connections to community facilities and for recreational purposes (walking or jogging) by the residents of the development where the land is located.

Director Graham stated the proposal is in compliance with the UDO, pending compliance with improvement requirements for open space.

Director Graham stated regarding landform and general layout:

- The property has been vacant for a number of years but retains the remnants of the Par 3 Golf Course.
- Some earlier clearing is evident, but significant numbers of trees with a dbh of 12" or greater remain.

- The topography is varied with some areas proposed for development appearing to exceed 8% slope.
 - A natural drainage way is also evident, falling to the southwest near the center of the site.
 - A network of streets, with two accesses directly to Shepherd's Trail, are proposed.
 - Five cul-de-sacs are indicated to access lots in a way that respect the topography and rectangular configuration of the property.
- Director Graham stated staff believes that the proposed street and lot layout of the development make a reasonable effort to conform to the natural contours of the land and existing drainage way. Conformity of lot appearance has been largely avoided as a result of the street layout. The plan includes a drainage easement to facilitate the function and maintenance of the natural drainage way. Additional easements may be required by staff to facilitate drainage on sloped lots.

Director Graham stated the project proposes two access points from Shepherd's Trail with approximately 900 vehicles per day anticipated. Aberdeen's UDO requires a traffic impact analysis for proposals exceeding 600 vehicles per day. A draft TIA has been submitted, stating that build-out conditions result in level of service, delays, volume-to-capacity ratios, and queue that are within acceptable ranges. No changes are recommended to the intersections within the project area, including Shepherd's Trail and NC 5, Shepherd's Trail, and Woodgreen Drive, Shepherd's Trail and Roseland Road, and the two proposed intersections on Shepherd's Trail.

Director Graham stated the overall TIA summary states "traffic associated with the proposed Shepherd's Ridge single-family development will have minimal impact on the surrounding roadway network due to adequate existing capacity and intersection operation of the surrounding roadway network."

Director Graham stated the 2030 Land Development Plan's Future Land Use Map identifies the project area as commercial, which is inconsistent with both the current zoning and the existing residential uses in the area. Inconsistencies with the plan do not prevent approval of the request, but should be acknowledged and discussed during deliberations.

Director Graham stated the Aberdeen Pedestrian and Bicycle Plans recommend the following for all new residential subdivisions:

- Sidewalks and marked crosswalks on all new roads in accordance with the design guidelines in the plan;
- Marked sharrows, or bicycle shared-lane markings on all new roads.

Director Graham stated the Green Growth Toolbox, adopted by the Town Board in 2010, shows the entire site to be located within a RCW Foraging Habitat. Wetlands are found at the far southwestern edge of the property, flanking an existing stream. A 100' buffer is recommended on either side of the stream. Open space is proposed for this part of the site.

Director Graham stated the Town Board must consider the following in their deliberations and may not approve the application if they determine

- that:
 - The application is not complete as submitted, or
 - The application does not comply with one or more requirements of the UDO.

If the Board determines that the application is complete and complies with the UDO, it may not deny the application unless it finds that, if completed as proposed, the development more probably than not:

- Will endanger the public health or safety, or
- Will substantially injure the value of adjoining property, or
- Will not be in harmony with the area in which it is to be located, or
- Does not generally conform with plans adopted by the Town Board.

Allan Casavant stated the previous plan was a grid pattern for 94 lots, and the two main reasons for denial were the straight roads, and drainage issues. Mr. Casavant stated curvy roads have been incorporated and natural drainage easements are being used for the layout. Mr. Casavant stated the plan is to leave the existing pier and trails that exist, and he will also be adding in one more walking trail to provide a complete trail around the pond.

Commissioner Dannelley asked how the open space requirements will be met. Director Graham stated the existing trails will be used, and will be added to, in order to make a trail completely around the pond.

Commissioner Dannelley asked if there is anything not compliant with the UDO. Director Graham stated no, the plan is compliant with the UDO.

Director Graham stated the only question she had initially was how to make

the open space usable, but it sounds like the trail proposal will meet that requirement for the open space.

Commissioner Byrd asked if the Fire Dept. has reviewed the cul-de-sacs yet. Director Graham stated the Fire Dept. and Public Works Dept. will both be providing a review before the project moves forward. Director Graham stated that level of review is not performed at the CUP level, but takes place before the project begins. Mayor Farrell asked if sidewalks are on both sides of the roads, all the way around. Mr. Casavant stated yes, sidewalks are on both sides of the roads.

Jeff McCluskey stated he worked closely with Director Graham on improving the plan and she was very helpful in working with them to meet the requirements with this plan. Mayor Farrell stated in the Meadow Ridge Subdivision there was a complication with installing sidewalks due to the height of the road, and he is wondering if that might be anticipated with this project. Mr. McCluskey stated he does not anticipate that being a problem with this project.

Director Graham reviewed the recommended conditions for the project:

- CUPs run with the land and as such CU #16-02 applies to the entirety of the property reflected in Parcel ID #00049149 and 20060513. 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.
- The proposed use is authorized by the CUP, however, approval of CU #16-02 is contingent on a successful interdepartmental review to ensure that the development has met all Federal, State, and Local regulations and permitting requirements, as well as any conditions attached to the CUP approval. Plans submitted for this review shall include, but not be limited to, tree survey indicating all trees with a dbh of 12" or greater, utility locations including size, material, and vertical alignment of waterlines, engineering calculations assuring that proposed stormwater measures meet or exceed the requirements of Article XVI, Part 2, Drainage, Erosion Control and Stormwater Management of the UDO.
- Any and all required permit and/or approvals from other regulatory agencies must be in place prior to issuance of a Notice to Proceed by the Planning Department.
- The development is authorized to create a maximum of ninety-one (91) single family lots and construction documents generally based on the Site Sketch Plan dated January 7, 2016.

Open Space shall generally comply with the 2/1/16 Site Sketch Plan, and in no case may be reduced to less than 20% of the total land area for the development. Prior to approval of the Final Plat for the subdivision, the developer shall establish a Homeowners' Association with covenants to include a policy for maintenance of the open space, including any improvements such as walking trails. A copy of the covenants shall be provided to staff for review and recordkeeping. Covenants shall comply with the requirements of UDO Sections 152-179 and 152-180.

Tree harvest and mass grading are not authorized as a result of this approval. Construction documents, including a grading plan, shall be reviewed by staff for compliance with the UDO.

- The applicant is required to install sidewalks on both sides of all new streets, or provide a guarantee with initiation of each phase of development in accordance with the requirements of the UDO.

- The applicant shall coordinate with the US Fish and Wildlife Service with regards to Red Cockaded Woodpecker impacts as a result of development activities. A copy of the development layout, showing the proposed tree removal, shall be provided to the Service, and any and all responses, recommendations, and/or requirements from the Service shall be provided to staff. Staff shall be authorized to require amendments to the plan respective to the Service's comments.

- Streets, sidewalks, waterlines, and water and sewer and stormwater facilities shall meet all UDO requirements and are to be dedicated to the Town of Aberdeen contingent upon inspection and approval by the Public Works Department. Preliminary and Final Plats shall identify any and all Town easements related to these facilities. Details shall be reviewed by staff during the Site Plan Review process following approval of the conditional use permit.

- The Fire Department must sign off on the drawings as well as available capacity for treating fires. Hydrants are required consistent with Fire Department spacing requirements. Adequate turning radius must be provided for the fire trucks currently in use.

- Prior to approval of final plat(s), all infrastructure must be complete or guaranteed per UDO requirements.

Street trees shall be installed prior to final plat approval or as a requirement of the building permit for each lot and shall be consistent with official species list provided in Section 98.03 of the Aberdeen Code of Ordinances or with "Trees of the Carolinas" (Appendix J of the UDO) and planted at the appropriate rate. Compliance with the street tree requirements will be reviewed by staff and staff is authorized to verify compliance prior to issuing a certificate of occupancy for each lot.

Director Graham - Sharrows and marked crosswalks shall be installed or guaranteed prior to final plat approval consistent with the requirements of the Comprehensive Pedestrian and Bicycle Plans.

Director Graham - A perimeter buffer of undisturbed vegetation or newly planted screening material for the development is required to prevent lots from being cleared to the perimeter boundary. The developer shall coordinate with the Public Works and Planning Departments regarding specifics of buffer requirements and maintenance following approval of the CUP.

Director Graham - All additional conditions or requirements as provided from the Town of Aberdeen Unified Development Ordinance are enforceable with regards to the proposal CU #16-02.

Director Graham stated a letter was received from the US Fish and Wildlife Service about the red cockaded woodpeckers. Director Graham stated Condition #8 was revised to reflect the contents of the letter received.

Commissioner Dannelley asked Manager Zell at what point are thresholds determined for public services such as garbage pickup, water, sewer, etc. Manager Zell stated a route already goes right past this proposed development, so he does not see this really being an issue. Manager Zell stated distance is considered when an area is not convenient. Manager Zell stated this growth is a good thing for Aberdeen.

Mayor Farrell asked again about the open space requirement, and if that will be met prior to moving the project forward. Director Graham stated the open space will have to be shown on a plan given to the Planning staff, and would have to receive site plan approval, before the construction can begin.

Mayor Pro-tem Thomas stated this is a nice development, and the difference between a 9.5 and a 10 for this project would be sidewalks that connect the two entrances. Mr. Casavant stated he would agree to install the sidewalk. Clerk Regina Rosy swore in Jackie Jamerson. Ms. Jamerson stated she was told that there is an easement adjacent to her property and she was concerned about how this development would impact the easement. After some discussion, it was determined that the Town has no knowledge of any easement in the area Ms. Jamerson described. After further discussion, Mr. Casavant agreed to do sidewalks in front of lots 79 and 80 in Shepherd's Trail to provide the connection. Director Graham stated she will add that item as condition #16 for the project.

Mayor Farrell asked if there will be curbing with these sidewalks too. Director Graham stated the requirement is for sidewalks, and there is some flexibility built in. Curb and gutter is only required when the grade exceeds 6% and most of this property does not have that steep of a grade. Director Graham stated staff is in favor of less piping underground, and the State is also in favor of less piping underground. Director Graham stated it does not always make sense to require curb and gutter. Director Graham stated curb and gutter will be required in areas that have a grade of 6% or higher, but not in others.

With no further discussion, Mayor Farrell closed the public hearing.

d. Consider action on Conditional Use Permit #16-02 submitted by Ace Homes, LLC for a Major Subdivision.

Director Graham stated this item is ready for a vote if the Board so chooses.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that CU #16-02 is within the jurisdiction of the Town Board according to the Table of Permissible Uses. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that CU #16-02 is complete as submitted. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that CU #16-02 if completed as proposed, will comply with all requirements of the UDO. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas, that CU #16-02 satisfies Finding #1: will not endanger the public health or safety. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas that CU #16-02 satisfies Finding #2: will not substantially injure the value of adjoining or abutting property. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Mayor Pro-tem Thomas that CU #16-02 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that CU #16-02 does not satisfy Finding #4 since it does not meet the UDO but does not meet all the requirements of the Land Use Plan. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, to issue approval of CU #16-02 with conditions as presented including condition #16. Motion unanimously carried 5-0.

e. Public Hearing for UDO Text Amendment #16-01 Regarding Allowable Uses in the Downtown Retail Overlay District.

Mayor Farrell opened the Public Hearing for UDO Text Amendment #16-01 Regarding Allowable Uses in the Downtown Retail Overlay District.

Planner Martin stated Text Amendment #1 is proposed additions to Section 1, Subsection B, Part (1) for the following uses to be permitted by right in the first story of all buildings within the DROD – “Restaurants to allow indoor and outdoor seating; note, restaurants serving food outdoors may need to obtain an encroachment agreement from the Town.” Currently restaurants with outdoor seating are not permitted.

Planner Martin stated Text Amendment #2 is to allow neighborhood bars and bars, which are currently both prohibited. Text Amendment #2 includes proposed additions to Section 1, Subsection B, Part (3) for the following uses to be allowed with a conditional use permit in the first story of all buildings within the DROD.

Planner Martin stated Text Amendment #3 is to allow single family and multi-family dwellings on any floor other than the first story of buildings within the DROD. Multi-family dwellings and restaurants with outdoor seating are currently prohibited.

Planner Martin stated Text Amendment #4 is a proposed addition to Section 1, Subsection C, Part 2 for the following uses to be allowed with a conditional use permit on floors other than the first – neighborhood bars and bars. Both uses are currently prohibited.

Planner Martin stated Text Amendment #5 is to allow for take-out only restaurants in the DROD, which are currently prohibited.

Planner Martin stated a bar is a commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic beverages. Planner Martin stated neighborhood bars are bars intended to serve primarily a local clientele, all or most of whom live near the establishment. A neighborhood bar is not intended to serve either a larger regional clientele or travelers.

Planner Martin read the memo from Chief Wenzel for the record, which provided support for the text amendments.

Planner Martin read a letter received from Ron Huff and he is supportive of these text amendments.

Mayor Farrell stated there are 3 churches in the downtown area, and he would like to know what the impact will be on those 3 churches. Planner Martin stated the requirements to receive an ABC permit are as follows:

- Be a resident of NC, unless he or she is an officer, director or stockholder of a corporate applicant or permittee and is not a manager or otherwise responsible for the day-to-day operation of the business.
- Not have had an alcoholic beverage permit revoked within three years.
- And other factors in issuing the permit including whether the establishment is located within 50 feet of a church or public school.

Mayor Farrell asked about the 50 ft. restriction from churches. Director Graham stated she would think we could legally increase the distance requirement if the Board so chooses, but not decrease it. Director Graham stated there would be only rare instances of overlap times for businesses serving alcohol and church functions. Director Graham stated staff feels the downtown area is going to grow, and activities will be needed after 5:00 in the evening in order for it to grow and be active.

With no further discussion, Mayor Farrell closed the public hearing.

f. Consider action on UDO Text Amendment #16-01 Regarding Allowable Uses in the Downtown Retail Overlay District.

Commissioner Mims stated he would like more information before taking a vote on these text amendments. Director Graham stated if the Board would like to vote on specific text amendments tonight, and save the

others for later that would be ok. Planner Martin stated text amendments 2 and 4 could wait for a later date. Director Graham stated text amendments 2 and 4 will be removed from UDO Text Amendment #16-01, and will be brought back up at a later meeting.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to consider text amendments 1, 3 and 5 this evening for approval. Planner Martin read text amendments 1, 3 and 5 for the record. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that UDO #16-01 is consistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that UDO #16-01 is reasonable and in the public interest. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that the Town of Aberdeen Board of Commissioners approves the following amendments to the Town of Aberdeen UDO: Amend Article XI "Overlay Districts and Supplementary Use Regulations" as indicated in the draft text amendment. Motion unanimously carried 5-0.

Director Graham confirmed what the request is – to check with Southern Pines and other towns and see what their requirements are in regards to alcohol being served in close proximity to churches.

g. Consider action on an Amendment to the Audit Contract.

Manager Zell stated at the recent audit presentation, it was discussed that an amendment would be needed for the audit contract. A motion was made by Commissioner Mims, seconded by Commissioner Byrd, to approve the amendment to the audit contract. Motion unanimously carried 5-0.

h. Consider action on Project Budget Ordinance for Reliance Packaging, LLC Grant Project (1 NC Fund Program).

Manager Zell stated this item just needs approval from the Board. Commissioner Byrd asked if the Town's matching portion of \$24,997 is

already included in the budget. Manager Zell stated that amount will come from Fund Balance. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Byrd to approve the Project Budget Ordinance for Reliance Packaging, LLC Grant Project. Motion unanimously carried 5-0.

- i. Consider action on Project Budget Ordinance for Project Sparrow – Reliance Packaging, LLC (Building Reuse).

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, to approve the Project Budget Ordinance for Project Sparrow – Reliance Packaging, LLC. Motion unanimously carried 5-0.

7. Other Business

Manager Zell asked if there are any questions so far on the budget materials. Commissioner Dannelley asked at what point there will be some clarity on what the manager recommends for the budget.

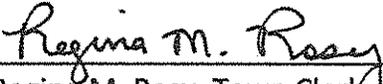
8. Closed Session pursuant to N.C.G.S. 143-318.11(a) (6) to consider the qualifications, competence, performance, and conditions of appointment of a public officer or employee.

A motion was made by Commissioner Dannelley, seconded by Commissioner Byrd, 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 5-0.

The Board returned from Closed Session. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Dannelley, to open regular session. Motion unanimously carried 5-0.

9. Adjournment

A motion was made by, seconded by, to adjourn the Board Meeting. Motion unanimously carried 5-0.


Regina M. Rosy, Town Clerk


Robert A. Farrell, Mayor

Minutes were completed in
Draft form on March 28, 2016

Minutes were approved
on April 25, 2016

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