

Minutes
Regular Board Meeting
Aberdeen Town Board

April 25, 2016
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, April 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 Ken Byrd, Buck Mims, and Elease Goodwin. Commissioner Joe Dannelley was not in attendance for the meeting. Staff members in attendance were Planning Director Pam Graham, Planner Kathy Blake, Planner Daniel Martin, Town Manager Bill Zell, and Town Clerk Regina Rosy. Attorney T.C. Morphis, Reporter for The Pilot Laura Douglass, and approximately 30 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. Mayor Farrell gave a brief biography of Gary Mofield due to his recent passing.

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 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 March 28, 2016, and Work Session on April 11, 2016.

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. Oath of Office for Police Officer Drew Schofield.

Chief Wenzel provided a brief biography for Police Officer Drew Schofield. Town Clerk Regina Rosy administered the oath of office for Officer Drew Schofield.

5. Financial Report

Manager Zell stated for the General Fund as you can see we are \$841,575 above expenses through March receipts. Under the noteworthy revenues we had three revenues that stood out, first the \$118,096, which represents the grant proceeds for the new air packs our Fire Department received from the FEMA federal grant. Second, the quarterly utilities franchise and video sales tax revenue of a combined \$131,155. The third stand out revenue was January's sales tax and hold harmless receipts, which were the largest monthly receipt we've ever received at \$163,882.

Manager Zell stated for the Water and Sewer Fund, because March was a billing month, we were able to show a gain of \$78,950 revenue over expenses through the end of March.

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 the largest revenue which is the real and personal taxes, where you can see a comparison of this fiscal year versus last fiscal year. For the July through March receipts we are \$250,650 ahead of last year's collections and have collected 104% of what we budgeted for this year. The second set of graphs shows the sales tax and hold harmless receipts comparing the period of July through January. For sales tax and hold harmless collected through January we are \$35,756 ahead of last year's collections for the same period. The third set of graphs represents the collection of utilities franchise and video sales tax receipts.

Manager Zell stated we received our third quarterly distribution in March and we are \$65,796 ahead of receipts received for the same period last year.

Manager Zell stated Finance Officer Wentland 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 virtually the same amount through the first nine months of the fiscal year as we did for the same period last year. This year rather than the expense spread out through all the departments the Sanitation department has borne the bulk of these costs. The second set of spreadsheets shows equipment maintenance costs, and we've spent \$8,950 less in the first nine months of this fiscal year. On the last set of spreadsheets showing the fuel costs, where our significantly less expenditures have continued through March even though fuel prices have risen recently. In fact we've spent 69.12% of what we spent through the same period last year. Manager Zell stated in actual dollars we've spent \$42,683 less than last year through March.

6. Public Hearings and New Business

a. Public Hearing for UDO Text Amendment #16-02 Regarding Lawn and Garden Centers in the C-I District.

Mayor Farrell opened the public hearing for UDO Text Amendment #16-02 Regarding Lawn and Garden Centers in the C-I District.

Director Graham stated there would be a new definition for lawn and garden centers from this text amendment. The definition would read as follows: "a retail operation primarily engaged in selling of decorative items for lawns and gardens such as fountains, statuary, yard art, and some plants. Although some landscaping supplies such as grass seeds, hay, pine straw, and fertilizer may be sold, sales of these items are not the primary purpose of the business, and the business shall not be primarily engaged in providing bulk quantities of landscaping materials to commercial landscapers and contractors. Wholesale sales are not permitted, and plants for sale cannot be raised on site."

Director Graham stated there is a new definition for plant nursery out of this text amendment that would read as follows: "an establishment engaged in the raising of plants for sale to wholesale and for retail customers.

Accessory items such as pots and fertilizer may also be sold. Greenhouses are permitted as part of the use.”

Director Graham displayed the table of uses and how this would be shown on the table of uses.

Director Graham stated staff has reviewed the Land Development Plan to make sure this amendment would be consistent with it, and it will be.

Director Graham stated the Planning Board heard this item last month and approved this text amendment unanimously for recommendation.

There were no comments from the public or Board.

With no further discussion Mayor Farrell closed the public hearing for UDO Text Amendment #16-02 Regarding Lawn and Garden Centers in the C-I District.

- b. Consider action on UDO Text Amendment #16-02 Regarding Lawn and Garden Centers in the C-I District.

Mayor Farrell asked what the classification is of the garden center south of Aberdeen. Director Graham stated it is already permitted where it is located, because it is in the highway commercial district.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that UDO #16-02 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 Mims, seconded by Commissioner Goodwin, that UDO #16-02 is reasonable and in the public interest. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that the Town of Aberdeen Board of Commissioners approves the following amendment to the Town of Aberdeen UDO: Amend Sections 152-15 “Definitions” and 152-146 “Table of Permissible Uses” as indicated in the draft text amendment. Motion unanimously carried 4-0.

Public Hearing for UDO Text Amendment #16-03 Regarding Allowable Uses in the Downtown Retail Overlay District.

Mayor Farrell opened the public hearing for UDO Text Amendment #16-03 Regarding Allowable Uses in the Downtown Retail Overlay District.

Planner Martin stated this item serves as a follow up to the March 28, 2016 meeting where 2 of the amendments were not approved. Planner Martin stated staff recommended approval of these text amendments but the Board wanted further research on how other municipalities handle similar situations. Planner Martin stated Southern Pines and Pinehurst do not place a more stringent restriction on bars and neighborhood bars than what the state allows. Planner Martin stated he also posted a question on the Planning Listserv to see responses and very few had more stringent restrictions. Planner Martin stated Professor Owens stated local governments may enforce stricter restrictions, but the state may override it.

Planner Martin read a letter received from Janet Kenworthy regarding this item, which was in support of these text amendments.

Mayor Farrell stated if you ride through downtown Southern Pines on Friday and Saturday nights, you cannot find a parking spot because it is so busy.

Molly Menard stated she is the president of the Business Guild, and she encourages approval of these text amendments since it will increase foot traffic in downtown Aberdeen. Ms. Menard stated this could be a really great thing for Aberdeen and help the businesses already in the downtown area as well.

Commissioner Mims stated he feels this is a move forward for Aberdeen, but he does not know if there is a right or wrong answer. Commissioner Mims stated he is interested to know of any issues with bars being located in close proximity to churches. Mayor Farrell stated the Jefferson Inn is a great example, but as far as he knows, there are not any issues.

With no further discussion, Mayor Farrell closed the public hearing for UDO Text Amendment #16-03 Regarding Allowable Uses in the Downtown Retail Overlay District.

d. Consider action on UDO Text Amendment #16-03 Regarding Allowable Uses in the Downtown Retail Overlay District.

Planner Martin stated this item is ready for action if the Board is willing.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, that UDO #16-03 is consistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried 4-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, that UDO #16-03 is reasonable and in the public interest. Motion unanimously carried 4-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, that the Town of Aberdeen Board of Commissioners approves the following amendment 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 4-0.

e. Public Hearing for Conditional Zoning Request #16-02 Submitted by James Robey Brown, Jr. and Margaret Brown for Properties Located on Old Course Road.

Mayor Farrell opened the public hearing for Conditional Zoning Request #16-02 Submitted by James Robey Brown, Jr. and Margaret Brown for Properties Located on Old Course Road.

Director Graham stated the request is by James Robey Brown, Jr. and Margaret Brown and they are requesting a conditional zoning from R20-16 to R20-16-CD for property located on Old Course Road adjacent to the former Pit Golf Links. The property was approved in 2005 for a condominium project known as "Villas at the Pit". Of the eight lots in the original proposal, three were completed before the developer abandoned the project. The Browns have recently purchased the property with the intent of better positioning the project to allow completion of the remaining five lots.

Director Graham stated the 2005 approval as a "Residential Planned Development" specified that all work on the conditional use must be

not be allowed if not completed within five years of Board approval or the permit shall be null and void. Continuation of the project now requires a new application.

Director Graham stated the RPD designation from 2005 allowed for flexibility in the standards imposed by the zoning district, in this case allowing multi-family units in the R20 District. The UDO changed RPDs to PUD-Rs, now requiring that a project area contain a minimum of eight (8) net buildable areas. The project area for current consideration is slightly less than three (3) acres in size.

Director Graham stated with the PUD-R not being an option, completion of the project requires a rezoning to allow for multi-family. Staff has advised the applicant that a Conditional Zoning is the best option, allowing all currently permitted uses in the R20-16 District to remain, but also allow an additional use for the remaining five parcels that would allow for completion of the project as previously approved. After reading the UDO description for the R20-16 District, Director Graham pointed out that the nearest single-family residence is nearly ¼ mile away on Rowe Avenue. The nearest agricultural related activity is Reaves Nursery, located nearly a mile away on Sand Pit Road and outside of Aberdeen's jurisdiction.

Director Graham stated in a departure from previous conditional zoning requests, staff is recommending that following approval of the CZ, an application for a conditional use permit be required to give the Planning Board and Town Board an opportunity for additional review of the project. The CZ would authorize the use proposed, followed by CUP and Site Plan Review processes to ensure that all UDO requirements, and any additional conditions attached, are met by the development.

Director Graham displayed an aerial image of the site. Director Graham stated the zoning of the subject property and adjoining properties is R20-16. Approximately 100' to the south are Commercial/Light Industrial parcels that front Fields Drive. Director Graham displayed a vicinity zoning map.

Director Graham stated three lots in the development were completed following the 2005 approval, with six condo units on each lot for a total of eighteen dwelling units. Construction on a fourth lot was started, with the foundation built. The applicant intends to allow for completion of the development following the same density and architectural appeal, providing for thirty additional units in five buildings. The property contains

2.96 acres fronting Old Course Road, which is privately owned and maintained. Old Course Road is unpaved along the portion reflected in this request. The sites are relatively flat or gently sloping towards the abandoned golf course to the north. A green growth toolbox assessment shows a stream to the northwest and a red cockaded woodpeckers foraging habitat to the north.

Director Graham displayed a green growth toolbox assessment map of the site. Director Graham stated the 2030 Land Development Plan's Future Land Use Map identifies the property as low-density residential, which is inconsistent with the uses in the immediate vicinity. Director Graham stated citizen survey comments from the plan relevant to this proposal include:

Weaknesses:

- Too much multi-family development; apartments;
- New home construction needs to be completed within a definite timeframe;
- Need to develop existing sites.

Director Graham stated multi-family dwellings in Aberdeen experienced a rapid increase between 2000 and 2008. Due to changes in zoning and market influences in Aberdeen's residential development since that time has been almost entirely SF Homes.

Opportunities:

- Better comprehensive planning; careful zoning; limit heavy industry and supervise strip development;
- Planned growth in neighborhoods and commercial areas.

Director Graham stated the proposal is considered by staff to be mostly consistent with survey responses in the Plan but inconsistent with the Plan's Future Land Use Map.

Director Graham stated the analysis of impact on the immediate area and community as a whole:

- The proposed use is considered compatible with other residential properties in the immediate area and therefore not expected to have a negative impact.
- The 174 anticipated vehicles per day from the thirty additional units proposed will not significantly impact the public road system.

Director Graham stated the subject properties were in foreclosure proceedings prior to purchase by Mr. and Mrs. Brown. Removing these properties from an abandoned state would have a positive impact on the immediate area and community as a whole. Director Graham stated all

conditional zoning applicants are required to hold a community meeting by notifying all adjoining property owners. This meeting occurred on April 19th, two persons attended, with questions regarding roads and building quality. The meeting summary reports no objections to the project.

Jim Lawson, representing the realtor for the applicants, stated he is here this evening to ask the Board to consider this item for approval.

Commissioner Byrd asked what the status is of the structures that are located there and the trees. Mayor Farrell asked about adding sidewalks to the project. Director Graham stated if this item comes back as a conditional use permit, then at that time, the Board could impose conditions to include sidewalks, street trees, etc. Director Graham stated conditions could be added tonight if the Board would like.

With no further discussion, Mayor Farrell closed the public hearing for Conditional Zoning Request #16-02 Submitted by James Robey Brown, Jr. and Margaret Brown for Properties Located on Old Course Road.

- f. Consider action on Conditional Zoning Request #16-02 Submitted by James Robey Brown, Jr. and Margaret Brown for Properties Located on Old Course Road.

Director Graham stated if the Board is prepared to make a decision tonight, the motion format is ready for the Board.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that the Board of Commissioners issues approval with conditions as indicated of Conditional Zoning #16-02. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that CZ #16-02 is consistent with applicable plans of the Town of Aberdeen. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that CZ #16-02 is reasonable and in the public interest. Motion unanimously carried 4-0.

- g. Public Hearing for Conditional Use Permit #16-01 for a Major Subdivision submitted by Bob Koontz.

Mayor Farrell opened the Public Hearing for Conditional Use Permit #16-01 for a Major Subdivision submitted by Bob Koontz.

Town Clerk Regina Rosy swore in Bob Koontz and Teresa Utley.

Director Graham stated Bob Koontz requests a conditional use permit for a 40 lot single family subdivision on parcels comprising a total of 23.07 acres. The property is accessed from Pee Dee Road just west of Parkway Drive. The applicant seeks approval of the use, open space, and number of lots subject to final engineering approval through the Site Plan Review process.

Director Graham displayed an aerial image of the site. Director Graham stated the property is located approximately 0.25 miles south of the intersection of Pee Dee Road and Highway 211. The zoning for a significant area west of Pee Dee Road, including the subject parcels, is R10-10. Properties to the east across Pee Dee Road include Commercial/Light Industrial and Office/Institutional.

Director Graham displayed a vicinity zoning map of the site. Director Graham displayed the proposed lot layout of the property.

Director Graham stated open space is proposed at 36.1%, nearly double the 20% requirement. An existing sewer easement crosses the property roughly east/west; lots and open space have been designed to allow access to the easement and preservation of the wetland area discovered on the site. The open space will also accommodate walking trails, a stormwater management area, and an active recreation area. Maintenance of the open space will be the responsibility of a Homeowners' Association.

Director Graham stated the property is currently vacant and heavily wooded with the exception of the remaining structure and cleared area associated with the former radio station. The topography is relatively gentle and sloping with the lowest areas where the proposed stormwater management is to be located. No stream exists on the property, however there are wetlands and other moist ground, all to be incorporated into the open space. The street network incorporates loop roads to access corners of the property; no cul-de-sacs are proposed.

Director Graham stated the proposed street and lot layout of the development are designed with respect to the existing slopes to the extent practicable. No drainage-ways are evident on the property. Final engineering will be required to comply with all UDO and other ordinance provisions regarding street design, lot and setback dimensions, and stormwater impacts.

Director Graham stated staff defers to the Institute of Transportation Engineers (ITE) to determine anticipated vehicle trips per day (vpd) counts. Approximately 479 vpd are calculated for this proposal, below the 600 threshold the Town sets for a TIA. The proposed connection to Pee Dee Road will require DOT approval during the Site Plan Review process. Sidewalks are designed for both sides of the proposed streets, with the exception of the two loop roads which will have a sidewalk on the lot-facing side.

Director Graham stated the 2030 Land Development Plan's Future Land Use Map identifies the project area as medium-density residential, which is consistent with both the current zoning and the existing residential uses in the immediate vicinity. Citizen survey comments from the Plan relevant to this proposal include:

- Strengths:** Planned growth – generally limited to highways, old downtown and neighborhoods;
- Weaknesses:** Lack of green space; greenways, bike trails, etc.
- Opportunities:** Planned growth in neighborhoods and commercial areas.

A Green Growth Toolbox assessment indicates no direct conflicts with the development plan, with the exception of a stream that has been verified to not exist on the site. Director Graham displayed the Green Growth Toolbox Assessment map of the property.

Director Graham stated the Planning Board recommends approval of the proposal.

Teresa Utley, 200 James Street, stated it sounds like this development is going right through her property, and that is not going to happen. Ms. Utley stated she has worked like a dog to buy her property and she has raised 5 children on her own, and she does not want anything to happen with her property. Commissioner Mims pointed out to Ms. Utley where her property is located, and where the proposed lots will be built. Ms. Utley was happy

with the information she was given. Director Graham will provide Ms. Utley with a couple maps to make the information more clear.

Bob Koontz stated one of the things they really wanted to do with this development is find and use the open space available. Mr. Koontz reviewed the proposed layout for the development. Mr. Koontz stated the homes will be a minimum of 2,000 square feet. Mr. Koontz stated they will be staying away from Ms. Utley's property, since it is a really wet area, and the houses will be built up the hill.

With no further discussion, Mayor Farrell closed the Public Hearing for Conditional Use Permit #16-01 for a Major Subdivision submitted by Bob Koontz.

- h. Consider action on Conditional Use Permit #16-01 for a Major Subdivision submitted by Bob Koontz.

Director Graham stated the recommended conditions are included in the staff report to the Board. Mayor Farrell asked if curb and gutter is included. Mr. Koontz stated it includes swales which are a much more environmentally sensitive way to handle stormwater. Mr. Koontz stated when you run curb and gutter you are concentrating the flow and creating a lot of velocity as it flows downward, whereas grass swales slow the water down and takes the pollutants out. Mr. Koontz stated DENR is really pushing the use of grass swales, rather than curb and gutter. Commissioner Byrd asked if any studies have been done on the effect of street maintenance on grass swales versus curb and gutter. Director Graham and Mr. Koontz stated they are sure studies have been done, but they did not know of them right off hand. Director Graham stated she thinks all parties could benefit on a presentation on swales versus curb and gutter. Mayor Farrell asked if a presentation could be scheduled for the next Work Session to learn more about this comparison – Director Graham stated she could try to schedule it for May 9th, but it will just depend on scheduling of someone who specializes in this topic.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that CU #16-01 is within the jurisdiction of the Town board according to the Table of Permissible Uses. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that CU #16-01 is complete as submitted. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that CU #16-01 will comply with all requirements of the UDO. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that CU #16-01 satisfies Finding #1: will not endanger the public health or safety. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that CU #16-01 satisfies Finding #2, will not substantially injure the value of adjoining or abutting property. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that CU #16-01 satisfies Finding #3, will be in harmony with the area in which it is to be located. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that CU #16-01 satisfies Finding #4, will be in general conformity with the Land Use Plan or other plans specifically adopted by the Town Board. Motion unanimously carried 4-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that based on the findings of fact and the evidence presented, the Town Board issues approval with conditions of CU #16-01. Motion unanimously carried 4-0.

Public Hearing for Conditional Use Permit #16-03 for a Major Subdivision submitted by Habitat for Humanity of the NC Sandhills.

Mayor Farrell opened the public hearing for Conditional Use Permit #16-03 for a Major Subdivision submitted by Habitat for Humanity of the NC Sandhills.

Clerk Regina Rosy administered the oath of office to Gladys McNeil, Terry Gaar, Roy Hemingway, Doris Lee, Bert Harrell, Bill Lester, Pat Kelley, Amy Fraley, and Thom Mann.

Director Graham stated Habitat for Humanity requests a conditional use permit for a nine lot single family subdivision on parcels comprising a total of 5.03 acres. The property is accessed from the west side of Thomas Avenue and north of Arnold Avenue. Director Graham stated the applicant seeks approval of the use, open space, and number of lots subject to final engineering approval through the Site Plan Review process.

Director Graham displayed an aerial image of the site. Director Graham stated the property is located approximately 925 feet north of the intersection of Lakeshore Drive and Elm Street. Director Graham stated the zoning for both sides of Thomas Avenue, including the subject parcels, is R10-10. Director Graham stated R10-10 zoned properties abut the subject parcels on the northeast, south, and east. The zoning to the northwest includes R30-18, R20-16, and to the west, R20-16. Director Graham displayed a vicinity zoning map of the site and a proposed lot layout. Director Graham stated open space is proposed at 40%, double the 20% requirement. An existing sewer easement crosses the property north/south; lots and open space have been designed to allow the access to the easement. Maintenance of the open space will be the responsibility of a Homeowners' Association. 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 is confined to the designated open space. The single road proposal is a cul-de-sac with a length of approximately 400'. Final engineering will be required to comply with all UDO and other ordinance provisions regarding street design, lot and setback dimensions, and stormwater impacts.

Director Graham stated staff defers to the Institute of Transportation Engineers to determine vehicle trips per day (vpd) counts. Approximately 86 vpd are calculated for this proposal, well below the 600 threshold the Town sets for a Traffic Impact Analysis. The proposed connection to Thomas Avenue will require Public Works approval during the Site Plan Review. Sidewalks are designed for both sides of the proposed street.

Director Graham stated the 2030 Land Development Plan's Future Land Use Map identifies the project area as medium-density residential which is consistent with both the current zoning and the existing residential uses in the immediate vicinity.

Director Graham read the citizen survey comments from the Plan

relevant to this proposal which include:

Strengths:

- Planned growth – generally limited to highways, old downtown and

Weaknesses:

- Lack of green space, greenways, bike trails, etc.

Opportunities:

- Planned growth in neighborhoods and commercial areas

Director Graham stated the Green Growth Toolbox assessment indicates no direct conflicts with the development plan. Director Graham displayed the Green Growth Toolbox Assessment map.

Vanessa McNeill (Gladys) – stated she received the proposed layout today in the mail. Previously it was 7 homes, and now it is 9 homes. Her concerns are 4 of the proposed homes will border her property. Ms. McNeill stated she is here tonight because of safety, there is only 1 way in and 1 way out, and now more people are getting ready to be added to this same way in and out. Ms. McNeill stated Thomas Avenue is the single road for homeowners to get in and out for all of Arnold Avenue. Ms. McNeill wanted to know if the houses will be 1 story or 2 stories. Ms. McNeill also stated she is going to need a buffer to protect her home from these proposed lots.

Doris Lee stated she shares all of the same concerns as Ms. McNeill and she lives on the upper end of Thomas Avenue. Ms. Lee was upset because when Habitat was building homes previously her cable, power, and phone lines were cut during the building process and she did not have service for an entire day. Ms. Lee stated she never sees Habitat homes being built in neighborhoods in Aberdeen except Midway, Berkley and Broadway. Ms. Lee stated she feels Habitat is too aggressive, and she does not want to be harassed by Habitat.

Roy Hemmingway stated he agrees with a lot of what Ms. McNeill stated earlier. Mr. Hemmingway stated another entrance/exit would be really helpful so they don't have to pull off to the side of the road when a vehicle is passing. He was also concerned about kids getting hit in the road, with the extra traffic.

Terry Gaar with Habitat for Humanity, stated originally the plan was only for 5-6 homes, but additional property was acquired to build additional homes. Ms. Gaar stated these homes would provide hard working families the opportunity to own a home. Ms. Gaar stated she lives on a dead end street too – and actually likes it – but she also understands the concerns of homeowners in the area only having one way in and out. Ms. Gaar stated the HOA was required as part of the CUP process, and will take care of the maintenance of the trail.

Thom Mann stated he is the construction manager with Habitat – he is unaware of any situation where utilities were cut in previous construction. Mr. Mann stated every person that is chosen for a habitat home is vetted to make sure they are good people, and he stated other citizens don't get to choose their neighbors either. Mr. Mann stated homes will be either 1 story or 1.5 story homes – and will be very nice Victorian style homes that will fit the neighborhood well. Mayor Pro-tem Thomas asked how long it would take to finish this project if approved. Mr. Mann stated it is hard to say, but 6 homes started last April will be complete this July (15 months).

Bert Harrell stated he is a Habitat volunteer and he spoke in support of the development.

Clerk Regina Rosy swore in Wilma Laney and Michael Covington.

Wilma Laney stated she does not live in this proposed area – but the point of a lot of comments this evening is that the street is very narrow. Ms. Laney stated it is a safety issue, and there needs to be a way to pass cars on this road.

Michael Covington stated Broadway does have a lot of problems. Mr. Covington stated Habitat does build nice houses, so he is kind of 50/50 on this. Commissioner Mims stated Thomas Avenue was a road constructed by the County before it was taken in to Aberdeen, but the new road in the subdivision would have to meet the Town requirements for road width. Director Graham stated she talked with Rickie Monroe today and the issue is obtaining the additional right of way that would be needed to widen Thomas Avenue. Director Graham stated Powell Bill funds could be used to do the paving work, but the real issue is obtaining the right of way needed from property owners. There was some discussion about tree limbs hanging over the road on Thomas Avenue and needing trimmed. Commissioner Mims

Ms. McNeill stated the Town cannot legally trim the trees, but if the tree limbs are a concern for power lines, then the power company can trim the tree limbs.

Ms. McNeill stated she is very opposed to 2 story homes and does not want to see them built. Ms. Gaar stated if 2 story homes are an issue, then it is a non issue and they will just do 1 story homes. Ms. Gaar stated the addition of this neighborhood will make it safer for school buses to turn around and emergency vehicles.

Bill Lester stated curb and gutter is planned for the development. Mr. Lester stated the walking trail could easily be looped around to Arnold Avenue. Mr. Lester offered his assistance in looking at Thomas Avenue again to see if they can acquire easements to widen the road.

With no further discussion, Mayor Farrell closed the public hearing for the Conditional Use Permit #16-03 for a Major Subdivision submitted by Habitat for Humanity of the NC Sandhills.

Consider action on Conditional Use Permit #16-03 for a Major Subdivision submitted by Habitat for Humanity of the NC Sandhills.

Commissioner Byrd made a motion to ask Public Works to bring some additional information on what it would take to widen Thomas Avenue and put a price tag on it so we know what the Town's obligations would be. Commissioner Byrd stated he has been down Thomas Avenue and he agrees there is a problem, but he also agrees Habitat is a wonderful organization. Motion was seconded by Commissioner Goodwin. Mayor Pro-tem Thomas stated the impact of Habitat in Aberdeen has been tremendous. Mayor Pro-tem Thomas stated there are lots of neighborhoods in Aberdeen with 1 way in and 1 way out of their neighborhood. Mayor Pro-tem Thomas stated he would be opposed to waiting to take action on this item. Commissioner Mims stated regardless of this proposal, there is still an issue with the narrow road on Thomas Avenue. Commissioner Byrd amended his motion that action on this CUP be tabled until a study come back to the Board within 30 days of what it would cost to widen Thomas Avenue and if it's feasible. Motion was seconded by Commissioner Goodwin. Motion tied 2-2, with Mayor Pro-tem Thomas and Commissioner Mims voting no, and Commissioners Byrd and Goodwin voting yes. Mayor Farrell broke the tie and voted yes. Motion carried 3-2.

Director Graham suggested reopening the public hearing and continuing it to May 23, 2016. A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin to re-open the public hearing and continue it to May 23, 2016. Motion unanimously carried 4-0.

7. Other Business

a. Municode Proposal.

Manager Zell stated the requested changes have been made to the Municode agreement. The agreement has been revised to include a "not to exceed" amount, and also to specify that a North Carolina attorney would be assigned to the project. Commissioner Mims stated he checked a reference for Municode and overall it was a positive reference, they just said they would appreciate more communication during the implementation process. Manager Zell stated he will plan to include funds in the upcoming year's budget for this project.

b. Mayor Farrell reminded everyone that Spring Spree is scheduled for May 21, 2016.

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 Byrd, seconded by Commissioner Goodwin, to go into Closed Session pursuant to N.C.G.S. 143-318.11(a) (6) to consider the qualifications, competence, performance, and conditions of appointment of a public officer or employee. Motion unanimously carried 4-0.

The Board returned from Closed Session. A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, to open regular session. Motion unanimously carried 4-0.

9. Adjournment

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Mims, to adjourn the Board Meeting. Motion unanimously carried 4-0.

Regina M. Rosy
Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on April 25, 2016

Robert A. Farrell
Robert A. Farrell, Mayor

Minutes were approved
on May 23, 2016

