

Minutes
Regular Board Meeting
Aberdeen Town Board

June 27, 2016
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, June 27, 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, Joe Dannelley, and Eleese Goodwin. Commissioner Buck Mims was not in attendance for the meeting. Staff members in attendance were Planning Director Pam Graham, Planner Daniel Martin, Town Manager Bill Zell, Finance Officer Beth Wentland, Police Chief Tim Wenzel, Josh Kirk, Todd Weaver, Carl Colasacco, and Town Clerk Regina Rosy. Reporter for The Pilot Laura Douglass, Attorney T.C. Morphis, and several 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.

a. Pledge of Allegiance.

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

2. Setting of the Agenda

Mayor Farrell stated he would like to add another Closed Session to the end of the meeting for (a)(3) the Attorney Client Privilege. Manager Zell stated Item 6i also needs to be removed from the agenda. A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to approve the setting of the agenda as amended. 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 May 23, 2016, Work Session on June 13, 2016 and Board of Adjustment Meeting on June 13, 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 Cody Vaughn.

Chief Wenzel introduced Police Officer Cody Vaughn. Clerk Regina Rosy administered the oath of office to Officer Cody Vaughn.

b. Presentation of Police Officer of the Year.

Chief Wenzel stated a year ago a program was started to present a Police Officer of the Year. Chief Wenzel presented Officer Steven Wyrick as Police Officer of the Year.

c. Presentation of Police Supervisor of the Year.

Chief Wenzel presented Sergeant Christina Ricks as Police Supervisor of the Year.

5. Financial Report

Manager Zell stated for the general fund as you can see we are \$302,253, above expenses through May receipts. Under the noteworthy revenues we had our sales tax and hold harmless receipts of \$132,217, which were the receipts for the month of April. We also received \$70,111 in antenna rent revenues, and as mentioned our R&P tax receipts will continue to dwindle as the year progresses. For April we received only \$37,862.

For the water and sewer fund, we are in black figures to stay at \$20,790 through the end of May, and we'll also be adding our July receipts for end of the fiscal year numbers. We will end the fiscal year on a very positive note in the water and sewer fund.

Now at the back of the financial report you'll find several graphs that our Financial 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 vs last fiscal year. For the

July through April receipts we are \$202,430 ahead of last year's collections and have collected 105% of what we budgeted for this year. The second set of graphs shows our sales tax and hold harmless receipts comparing the period of July through April. For sales tax and hold harmless collections through April we are \$77,491 ahead of last year's collections for the same period and we are 7.77% ahead of our current year budgeted numbers. The third set of graphs represents the collection of utilities franchise and video sales tax receipts. This revenue is paid quarterly and as mentioned last month we are \$65,796 ahead of receipts received for the same period last year, and we won't receive our last quarterly payment until sometime in July.

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 about \$35,000 more this fiscal year as we did for the same period last year. This just hasn't been our year with vehicles staying healthy, maybe with all the repairs done this year next year we'll be able to save some dollars in this area. The second set of spreadsheets showing equipment maintenance costs, we've spent \$12,693 less through May as we did last fiscal year. On our last set of spreadsheets showing our fuel costs, where we have significantly less expenditures this fiscal year even though fuel prices have risen recently. In fact we've spent 69.75% of what we spent through the same period last year. In actual dollars we've spent \$50,141 less than last year through the end of May.

Manager Zell thanked Finance Officer Beth Wentland for her time in the preparation of these charts and spreadsheets.

Commissioner Dannelley asked Manager Zell if he expects any major change between now and the end of June. Manager Zell stated the end of year will finish up real close to balancing out, and might even be a plus.

6. Public Hearings and New Business

- a. Public Hearing for Voluntary Contiguous Annexation for Property located on the west side of Pee Dee Road submitted by the Dabbs Brothers, LLC.

Mayor Farrell opened the Public Hearing for Voluntary Contiguous Annexation for Property located on the west side of Pee Dee Road submitted by the Dabbs Brothers, LLC.

Director Graham displayed a tax map with the three parcels located on it. Director Graham displayed a vicinity zoning map and also an aerial photograph of the property. Director Graham displayed a survey that shows the three parcels will be combined.

Director Graham stated staff recommends that the Board accept input from the public during the public hearing and take action on the adoption of the ordinance to annex the property described in the deed descriptions and maps.

Mayor Farrell stated this property is located in Aberdeen's ETJ.

With no further discussion, Mayor Farrell closed the Public Hearing for Voluntary Contiguous Annexation for Property located on the west side of Pee Dee Road submitted by the Dabbs Brothers, LLC.

- b. Consider action on Voluntary Contiguous Annexation Ordinance #49-116 to extend the Corporate Limits of the Town of Aberdeen, North Carolina.

Mayor Farrell asked how many acres are included with this property. Director Graham stated this property is 24.39 acres. A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to approve the Voluntary Contiguous Annexation Ordinance #49-116 to extend the Corporate Limits of the Town of Aberdeen, North Carolina. Motion unanimously carried 4-0.

- c. Public Hearing for Conditional Zoning #16-04 submitted by Greg Allen for property located at 801 E. Main Street.

Director Graham stated CKC Land Development requests a conditional zoning from R20-16 to R6-10-CD for property located at 801 E. Main Street in Aberdeen. The property has maintained a multi-family use since approximately 1969, prior to annexation into Aberdeen. The applicant seeks to rezone the property to a district that represents the existing uses, which are not permitted in the R20-16 District.

Director Graham stated CKC purchased the property in 1979; the development consisted of two townhouse-type apartment buildings with five units in each and two duplex buildings for a total of 14 units. The property remains much the same today, except maintenance and upkeep. The property was annexed on or about 1975.

Director Graham displayed an aerial image of the property.

Director Graham stated a conditional rezoning to allow for multi-family uses would allow for a change in the property's status to "legal conforming" as well as provide the Town the ability to place conditions on the approval that address the impacts reasonably expected to be generated by the development or use of the site. The Town Board may approve conditions that vary, lower, or impose higher standards than those that would ordinarily apply were the property at issue rezoned to something other than a conditional zoning district. Only those conditions mutually approved by the Board and the petitioner may be incorporated into the petition.

Director Graham stated any conditions attached to the approval should relate to:

- The relationship of the proposed use to surrounding property.
- Proposed support facilities such as parking and driveways, pedestrian and vehicular circulation systems.
- Screening and buffer areas.
- The timing of the development.
- Street and right-of-way improvements.
- Water and sewer improvements.
- Stormwater drainage.
- The provision of open space.
- Any other matters that the Town Board may find appropriate or the petitioner may propose.

Director Graham stated an R6-10-CD zoning could do the following:

- Allow the existing units to remain without requiring architectural design and other standards to be imposed on them;
- Allow a build-out of the property as multi-family (or duplexes), with current standards being applied to the new units;
- Require a conditional use permit for new multi-family proposals;
- Allow new duplex proposals as a zoning by right.

Director Graham stated staff is recommending that following approval of a conditional zoning of the properties, any specific proposal for new multi-family structures will require a conditional use permit so that additional review by the Planning Board, Town Board, and staff on the project can be made.

Director Graham stated the zoning of the subject property and adjoining properties is R20-16. Properties across Main Street to the south are R10-10. The area includes a mix of single family cottages, historic homes, and relatively small-scale multi-family properties. The proposed R6-10-CD would permit up to 9 additional multi-family units on the property. Duplexes are a zoning by right.

Director Graham displayed a vicinity zoning map of the surrounding area. Director Graham stated the property contains 2.92 acres with 259' of frontage on Main Street. There is significant tree cover and the property is relatively flat. A single drive provides access from Main and High Streets. Two existing duplex buildings are 60' from the Main Street right of way and are at right angles to the road. Parking is in front of the existing buildings.

Director Graham displayed a survey of the property.

Director Graham stated the R6-10 District was established where the principle use of land is for single-family, two-family residences, 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 the immediate area surrounding the subject property represents a distinctively mixed-use condition, a 7 acre horse farm is just to the north, a condominium development is to the south, and single family homes on various lot sizes evident elsewhere.

Director Graham stated infill development and higher densities are becoming more desirable in and adjacent to downtowns across America. These types of developments support dynamic downtowns.

Director Graham stated 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. The developments of these uses cannot be predetermined or controlled by general district standards. Instead, these districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. Director Graham stated four buildings currently exist on the property: (2) duplex buildings and (2) townhome style apartment buildings.

Director Graham displayed the following images for the property: as seen from Main Street, the duplex buildings, driveway heading north towards High Street and apartment buildings at north end of property, apartment building as seen from High Street, and High Street looking west, drive looking back towards Main Street.

Director Graham stated the 2030 Land Development Plan's Future Land Use Map, developed in 2005, identifies the property as low-density residential, which is consistent with the zoning but is inconsistent with most uses in the vicinity, including the subject property. Staff considers the proposal to be inconsistent with the Future Land Use Maps designation of low-density.

Director Graham stated no negative impact is expected for surrounding properties due to the proposed use being compatible with other residential properties in the vicinity. The site's location near the downtown business district lends itself to a higher density residential use. The property has functioned as multi-family for nearly 50 years and has remained well integrated into the character of the area. The community as a whole should experience no significant impact on the road system and has adequate ingress and egress provided to the residence, existing units and potential units.

Director Graham stated staff recommends that the following conditions be attached to any recommendation for approval:

1. A Conditional Use Permit for new multi-family residences on the property shall be required for the uses specified by CZ #16-04, at which time additional conditions may be attached at the discretion of the Town Board.
2. The property subject to CZ #16-04 may be developed or redeveloped for multi-family use subject to the following provisions:

a. A maximum of 23 total units shall be permitted for the property.

b. Existing structures are subject to UDO provisions for "Nonconforming Situations", including but not limited to the requirement if a structure on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 60% of the appraised valuation of the structure, then the repair or replacement must comply with current UDO requirements.

c. Any existing and/or new multi-family structures on the subject property are permitted regardless of the distance of the property to other properties containing multi-family uses, provided that new structures comply with other spacing requirements, such as setbacks, of the UDO and the NC State Building Code.

d. Existing parking areas are permitted to remain in their current locations and configurations unless the existing structures are altered at a cost exceeding 60% of their appraised valuation, in which case the existing parking shall comply with the following:

(1) A minimum of two parking spaces per dwelling unit shall be provided;

(2) Parking shall be located "interior to the block" defined as parking that is accessible from a driveway that connects the parking to the street and not directly accessible from the street.

e. Newly proposed parking shall be either between any existing or new building and the rear lot line, an alley or interior to the block.

f. Newly constructed structures and existing structures repaired or reconstructed beyond the 60% standard shall comply with all UDO requirements in effect at the time of application, except those specifically waived or amended by CZ #16-04.

g. No new landscaping will be required for the existing uses and condition on the property. Proposals for new development on the property will be required to comply with any and all applicable landscaping requirements in the UDO and shall be calculated based only on the newly proposed development and not be retroactively applied to the existing development.

h. No new sidewalks or paths will be required for the existing uses and condition on the property. Proposals for new development on the property will be required to comply with any and all applicable sidewalk requirements in the UDO.

i. No new bus shelters, bicycle lanes or bicycle racks will be required for the existing uses and condition on the property. Proposals for new development on the property will be required to comply with any and all

applicable bus shelter, bicycle lane, and bicycle rack requirements in the UDO.

j. New multi-family development proposed for the property shall comply with multi-family building space requirements of the UDO.

k. Lot size requirements as dictated by the UDO shall not apply to new duplex structures proposed for the property.

l. Open space for new development shall comply with ordinance requirements in place at the time of application. Calculations for any open space requirements shall be applied only to newly proposed units and not be retroactively applied to existing units

3. No active recreation facilities are required by the UDO as of the date of approval of CZ #16-04, however, should such requirements be adopted prior to submittal of an application for any conditional use permit to construct new units on the property, and those requirements apply to the application's proposal, the applicant will be required to meet those requirements.

4. Staff is directed to enter Conditional Zoning District R6-10-CD for property identified by PID #00047514 on the official zoning map and add a label for CZ# 16-04 upon final approval.

Mr. Nielsen stated they worked very hard with Director Graham and she was very patient with them. Mr. Nielsen stated it is a nice property that is well maintained. Mr. Nielsen stated conditions 2h and i appear to be geared more towards bigger developments, and they would prefer to not have to put in any shelter for school buses, since there are no school aged children currently in the area. 2nd objection is 2h which is the requirement to build new sidewalks – 500' of sidewalk would be required, which would require the removal of mature vegetation where there is already an area for people to walk. Sidewalks will not make things easier, safer or more attractive since this is a smaller established development.

Commissioner Dannelley asked why the 13 units in noncompliance would not be factored into this decision. Commissioner Thomas stated he is not familiar with any other bus shelters in the area. Commissioner Thomas stated everyone else is held to the standard requirements of the UDO. Commissioner Thomas stated if this was a new application for this project, then it would be required to meet all requirements of the UDO. Commissioner Thomas stated he has no problem with excluding the bus shelter, and he has no problem with the sidewalk construction but whatever is built new, has to be built up to snuff. Director Graham stated there is no requirement for the bicycle racks and bicycle lanes would only be required if

there are indicated on the Bicycle Plan for the property which they are not. Mayor Farrell asked if anything that is built additional, would they need a sidewalk that goes from the road to the house. Mr. Nielsen stated they would be willing to entertain sidewalk construction for the length of the new construction (development). Commissioner Dannelley asked how that would really look with breaks in the sidewalk construction for the new versus old tenants.

Greg Allen stated he has been a partner in ownership of the property since 1979. At that time there were no sidewalks, no paved parking, etc. Since that time paved parking was provided, and hard surface is available for all tenants to walk on. Mr. Allen stated he is not in favor of covering up more ground with concrete. Mr. Allen stated the property has to have the proper zoning in order to be sold or used. Mr. Allen stated he has been a part of this community for a long time. Mr. Allen stated Director Graham has been terrific to work with.

Commissioner Dannelley asked about an unopened road near the property. Director Graham stated it certainly is a possibility that someone would ask for it to be closed, and road closures are always at the Board's discretion. Commissioner Dannelley asked if staff has looked at the current trees on the property and if those trees will be an issue if development does take place. Director Graham stated any trees greater than 12" in diameter would be considered. The developers are legally entitled to 9 dwellings units and staff will work with them on the layout if there are significant clusters of trees. Staff would work with the developers to manage the plan to save some of the trees but development would not stop based on the fact that trees are there.

Commissioner Dannelley wrapped up by confirming that no bicycle racks or bicycle lanes would be required, a bus shelter would be at the board's discretion, and whether or not to require sidewalks be connected between old and new development.

Mayor Farrell asked if there would be a difference if someone came in and redeveloped the property then sidewalks would be required. Director Graham stated if it is a blank slate then the developer would have to meet current UDO requirements for that time. Attorney Morphis stated the UDO stated it clearly says sidewalks and/or paths. Attorney Morphis stated the existing driveway may already serve as a path. Attorney Morphis stated there is a distinction between a public right of way and private road. Director

Graham stated a further distinction is sidewalks along the sides of the road is specific to multi-family development and states sidewalks or paths. Mr. Allen stated this property does not look like multi-family, and has a character of its own.

Mr. Bartolo stated he owns 815 E. Main Street, to the east of the property. Mr. Bartolo stated he was told that the conditional zoning was so the property can be sold, not developed, but now he is hearing that the plan is to build more multi-family units. Mr. Bartolo stated he is concerned about the setback requirements. Side setbacks are 10' stated Director Graham, but this could also be amended as a condition to the conditional zoning. Mr. Nielsen stated there are no specific plans to build at this point. Director Graham stated setbacks could be included in CUP conditions as well. Attorney Morphis stated this evening setbacks could be changed and agreed upon by both parties, but if they wait until CUP process, then it's quasi-judicial and has to be based on health, safety, welfare, etc. Mayor Farrell asked if the applicant would be agreeable to a 15' side setback instead. Mr. Allen stated he has no problem with that. Director Graham stated condition would read "side setbacks shall be 15' minimum".

Commissioner Dannelley stated he is comfortable with the driveway being the path that connects the streets and mailboxes. Commissioner Byrd stated there may not be children now in the development, but he is concerned about down the road, and 14 – 23 units of children all sharing the driveway as an area to play. Commissioner Dannelley stated he appreciates that statement, but even when there are sidewalks, children often play in the road instead. The existing driveway shall serve as a path to meet multifamily requirements for the property, with the exception if the existing property changes its configuration. And condition i, Commissioner Byrd stated the first sentence remain as a matter of record, and the second sentence be removed. Manager Zell recommended it read "No new bus shelters, bicycle lanes, or bicycle racks will be required for existing and future uses and condition on the property". Director Graham was concerned about "future" being included. Attorney Morphis recommended "In the event the entire property is redeveloped, all conditions of the then current UDO will apply". Mr. Nielsen agreed to revised condition. Director Graham stated Condition i will read "No new bus shelters will be required for the existing uses and conditions on the property or for the additional 9 units to build out the property. IN the event the entire property is redeveloped, all conditions of the then current UDO shall apply".

The final list of conditions reads as follows:

1. A Conditional Use Permit for new multi-family residences on the property shall be required for the uses specified by Conditional Zoning #16-04, at which time additional conditions may be attached at the discretion of the Town Board.
2. The property subject to CZ #16-04 may be developed or redeveloped for multi-family use subject to the following provisions:
 - a. A maximum of twenty-three (23) total units shall be permitted for the property.
 - b. Structures existing on the property on the date of approval of CZ #16-04 are subject to the provisions of Aberdeen UDO Article VIII, "Nonconforming Situations," including but not limited to the requirement that if a structure on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed sixty (60) percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with the current requirements of the UDO.
 - c. Any existing and/or new multi-family structures on the subject property are permitted regardless of the distance of the property to other properties containing multi-family uses, provided that new structures must comply with the other spacing requirements, such as setbacks, of the UDO and of the NC State Building Code.
 - d. Existing parking areas are permitted to remain in their current location and configuration unless the existing structures are altered at a cost exceeded sixty (60) percent of their appraised valuation, in which case the existing parking shall comply with the following requirements:
 - i. A minimum of two parking spaces per dwelling unit shall be provided;
 - ii. Parking shall be located "interior to the block", defined as parking that is accessible from a driveway that connects the parking to the street and not directly accessible from the street.
 - e. Newly proposed parking shall be either between any existing or new building and the rear lot line, an alley or interior to the block. "Interior to the block" is defined as parking that is accessible from a driveway that connects the parking to the street and not directly accessible from the street.
 - f. Newly constructed structures and existing structures repaired or reconstructed at an estimated cost exceeding sixty (60) percent of their

- appraised valuation shall be required to comply with all requirements of the UDO in effect at the time of permit/application submittal(s) to the Aberdeen Planning and Inspections Department, except those specifically waived or amended by CZ #16-04.
- g. No new landscaping will be required for the existing uses and conditions on the property. Proposals for new development on the property will be required to comply with any and all applicable landscaping requirements in the UDO and shall be calculated based only on the newly proposed development and not retroactively applied to the existing development.
 - h. The existing driveway shall serve as a path to meet multi-family requirements for the property, with the exception of the requirement for sidewalks between units and their associated parking areas.
 - i. No new bus shelters will be required for the existing uses and conditions on the property or for the additional nine units to fully build out the property. In the event that the entire property is redeveloped, all conditions of the then-current UDO shall apply.
 - j. New multi-family development proposed for the property shall comply with multi-family building spacing requirements of the UDO.
 - k. Lot size requirements as dictated by the UDO shall not apply to new duplex structures proposed for the property.
 - l. Open space for new development on the property shall comply with ordinance requirements in place at the time of application. Calculations for any open space requirements shall be applied only to newly proposed units and not be retroactively applied to existing units.
3. No Active Recreation Facilities are required by the UDO as of the date of approval of CZ #16-04, however, should such requirements be adopted prior to submittal of an application for any conditional use permit to construct new units on the property, and those requirements apply to the application's proposal, the applicant will be required to meet those requirements.
4. Side setbacks for the property shall be fifteen (15) feet minimum.
5. Staff is directed to enter Conditional Zoning District R6-10-CD for property identified by PID# 00047514 on the official zoning map and add a label for CZ #16-04 upon final approval.

With no further discussion, Mayor Farrell closed the Public Hearing.

d. Consider action on Conditional Zoning #16-04 submitted by Greg Allen for property located at 801 E. Main Street.

Director Graham stated the Planning Board made a unanimous recommendation for approval of CZ #16-04.

A motion was made by Commissioner Thomas, seconded by Commissioner Dannelley, that the Board of Commissioners issues approval with conditions as indicated of Conditional Zoning #16-04 as amended. Motion carried 3-1, with Commissioner Byrd opposing.

A motion was made by Commissioner Thomas, seconded by Commissioner Dannelley, that Conditional Zoning #16-04 is not consistent with applicable plans of the Town of Aberdeen. Motion unanimously carried 4-0.

A motion was made by Commissioner Thomas, seconded by Commissioner Dannelley, that Conditional Zoning #16-04 is reasonable and in the public interest. Motion carried 3-1, with Commissioner Byrd opposing.

e. Public Hearing for Conditional Use Permit #16-04 submitted by George Nelson for property located on Lighthouse Circle.

Mayor Farrell opened the Public Hearing for Conditional Use Permit #16-04 submitted by George Nelson for property located on Lighthouse Circle.

Clerk Regina Rosy swore in Dean King, Melvin Jeter, Patrick McLaughlin, and Tom Hutton.

Director Graham presented a PowerPoint presentation. This Conditional Use Permit is to construct 3 condominium buildings with four units in each to complete the Lighthouse Trace Community. In 2004 the original approval consisted of 48 lots with a condominium on each lot. The current plan is to complete the development with the 3 buildings, bringing the total build out to 52 units. Due to the lapse of more than three years since approval of the CUP, a new application is required. The zoning is R6-10 district and all parcels in the Aberdeen jurisdiction that abut are R6-10.

Director Graham stated staff recommends that the following conditions be attached to any recommendation for approval:

1. Conditional Use Permits run with the land and as such CU #16-04 applies to the entirety of the property reflected in Parcel IDs #00049527. An amendment to the CUP is needed to remove property from the CUP or to make changes to the CUP. If any activity is a use by right, it is not subject to the CUP.
2. The proposed use is authorized by the CUP, however, approval of CU #16-04 is contingent on a successful inter-departmental review to insure 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, landscaping and open space calculations showing compliance with UDO requirements, building plans and elevations showing compliance with requirements for multi-family developments, and evidence that proposed stormwater measures meet or exceed the requirements Article XVI, Part 2, Drainage, Erosion Control and Stormwater Management of the UDO.
3. Any and all required permits and/or approvals from other regulatory agencies must be in place prior to issuance of a Notice to Proceed by the Planning Department.
4. The development is authorized to create a maximum of twelve (12) multi-family units with construction documents generally based on the Sketch Overlay Plan submitted with the conditional use permit application.
5. Open Space shall comply with §152-163.14 (G). Prior to issuance of a Notice to Proceed, the developer shall establish a Homeowner's 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 record-keeping. Covenants shall comply with the requirements of §152-179 and 180.
6. 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.
7. 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.
8. Minimum front setback requirements shall be reduced to ten (10) feet for all proposed structures authorized by CU #16-04. The developer shall have the right-of-way and proposed structure footprints marked in the field and shall call for a zoning inspection by staff prior to digging footers so that setbacks may be verified.
9. In order to maintain continuity with the existing development pattern, sidewalks for the proposed structures shall be required to be installed between front entries to each unit and their respective driveway.

10. All additional conditions or requirements as provided by the Town of Aberdeen Unified Development Ordinance are enforceable with regards to proposal CU #16-04.

Patrick McLaughlin stated neighbors are in favor of developing out the property, but there are concerns. Condition #5 – HOA has to be established, when one already exists. Mr. McLaughlin read articles from the current HOA, which states the HOA has oversight control of the new construction site to include cleanup and the Architectural and Landscape Committee has approval power for all new construction (i.e. approval of building plan). Mr. McLaughlin stated there are 4 units being proposed with garages facing the front, with only 10 ft between the garage and road, which is not enough room to put a car and is not in compliance with what the rest of the neighborhood looks like. Currently the shortest driveway is 17' long. Mr. McLaughlin stated neighbors in the community want to maintain property values, and keep with the same look of the neighborhood. Other issues – water issues on the property. There are 2 natural springs on the property and Mr. McLaughlin stated he really wants water abatement done if this building moves forward. Mr. McLaughlin stated he would like to see side entry garages and the 2 bedroom units only have 1 car garages.

Melvin Jeter stated he is one of the original owners in Lighthouse Trace and he is military. The one thing that has been consistent between different developers has been the look of the neighborhood, and he doesn't want to lose that. Mr. Jeter stated there is not enough parking available and parking in the street is prohibited. Mr. Jeter stated he feels like the 1 car garages will decrease property values in the neighborhood.

Tom Hutton stated Mr. Jeter has already said everything he would have said, and he feels the exact same way.

Dean King stated he is here this evening on behalf of George Nelson. Mr. King stated he is one of the owners of Pinnacle Development. Mr. King stated the design of the units is conceptual only at this point, and can be changed. Mr. King stated he is also not in favor of installing the retaining wall. Mr. King stated he has built at least 200 townhomes in Moore County. Mr. King stated there is definitely more than 10 feet in front of each garage, and there is sufficient room to park a vehicle.

Mayor Farrell stated it does appear that the proposed development looks different than the rest of the neighborhood, and he asked Mr. King if

redesign to create consistency is an option? Mr. King stated absolutely, he agrees with about 80% of what he has heard from the others this evening. Mr. King stated the 10' measurement is from the setback, not from the road.

Commissioner Byrd stated it sounds like there is more work that needs to be done – topo maps, engineering design, and more communication with neighbors. Commissioner Byrd proposed to continue the public hearing to Monday, August 8, 2016 at 6:00 p.m.

Director Graham clarified that it is unknown at this point how long the driveway will be because the exact location of the right of way is not known at this time. Mr. King stated probably it will be more like 20'. Director Graham stated the original CUP was valid for 3 years, and has now expired so that is why this is now before the Board.

Director Graham stated she received a letter from Mr. Brant McWilliams, 630 Lighthouse Circle. Director Graham read the letter, which asked for building materials to meet or exceed current development in Lighthouse Trace.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to continue the public hearing to August 8, 2016 at 6:00 p.m. and in the mean time the residents and applicant work together. Motion unanimously carried 4-0.

Consider action on Conditional Use Permit #16-04 submitted by George Nelson for property located on Lighthouse Circle.

No action taken. Public Hearing continued to August 8, 2016.

g. Public Hearing for UDO Text Amendment #16-06 regarding Nonconforming Signs.

Mayor Farrell opened the Public Hearing for UDO Text Amendment #16-06 regarding Nonconforming Signs.

Director Graham stated in response to local business owners' concerns that the UDO's sign ordinance is overly restrictive, the Board directed staff to draft a text amendment that would allow more flexibility when changes are made to existing nonconforming signs.

Director Graham stated this amendment would allow for routine maintenance, repair, and changing of sign faces as long as:

1. Structural alterations are not made to the sign,
2. The sign is not increased in size, shape, or lighting, and
3. The cost of repair and/or maintenance does not exceed 50% of the estimated value of the sign.

Director Graham stated the result would allow established or new business owners to make relatively minor changes to an existing sign, including a change in message, even if the sign is considered to be currently nonconforming.

Regarding plan consistency, staff has located the following items to support the amendment's consistency with the 2030 Land Development Plan:

- Plan Goal #1 is to implement a balanced strategy for well-planned and aesthetically pleasing retail sector growth and development, and
- An opportunity reflected in citizen surveys in the plan in "Grow Retail Base".

Mayor Farrell asked if the 50% requirement is standard, or dictated by the state. Director Graham stated the 50% in reference to signs is new language. Mayor Pro-tem Thomas asked if this has anything to do with billboards. Attorney Morphis stated no, this is more related to an off premise sign for Hampton Inn. Mayor Pro-tem Thomas stated signs need to be aesthetically pleasing. Mayor Farrell asked who determines the 50% value – the Town or someone else. Attorney Morphis stated we would start with tax value, and if the applicant thinks it is something different then they could provide supporting documentation.

With no further discussion, Mayor Farrell closed the Public Hearing for UDO Text Amendment #16-06 regarding Nonconforming Signs.

- h. Consider action on UDO Text Amendment #16-06 regarding Nonconforming Signs.

Director Graham stated the proposal was recommended for approval by the Planning Board at their 5/19/16 meeting.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, that UDO #16-06 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 #16-06 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 to amend section 152-284 as indicated in the attached draft text amendment. Motion unanimously carried 4-0.

- i. Consider action on Downtown Master Plan Task Force Appointments.

Removed from agenda.

- j. Consider action on Year-End Budget Amendments.

Commissioner Dannelley stated in the future he would like to see these budget amendments to come to the work session in June, and then give board members 2 weeks to review, and put on consent agenda for approval at the Board Meeting.

A motion was made by Commissioner Goodwin, seconded by Commissioner Byrd, to approve the year end budget amendments as presented. Motion unanimously carried 4-0.

7. Other Business

- a. Manager Zell read a letter submitting his notice to retire effective January 1, 2017. Mayor Farrell thanked Manager Zell for his leadership of the Town of Aberdeen.

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 and (a)(3) for attorney client privilege.

A motion was made by Commissioner Goodwin, 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

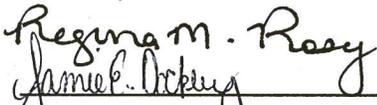
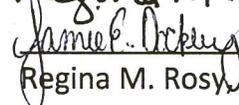
officer or employee and (a)(3) for attorney client privilege. Motion unanimously carried 4-0.

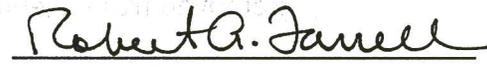
The Board returned from Closed Session.

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

9. Adjournment

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



Regina M. Rosy, Town Clerk
Jamie Dockery, Deputy Town Clerk


Robert A. Farrell, Mayor

Minutes were completed in
Draft form on June 27, 2016

Minutes were approved
on October 24, 2016