

Minutes

Work Session

Aberdeen Town Board

September 12, 2016

Robert N. Page Municipal Building

Monday, 6:00 p.m.

Aberdeen, North Carolina

The Aberdeen Town Board met Monday, September 12, 2016 at 6:00 p.m. for the Work Session. Members present were Mayor Robert A. Farrell and Commissioners Ken Byrd, Joe Dannelley, and Elease Goodwin. Mayor Pro-tem, Jim Thomas and Commissioner Buck Mims were not in attendance for the meeting. Staff members in attendance were Planning Director Pam Graham, Planner Daniel Martin, Town Manager Bill Zell, and Deputy Town Clerk Jamie Dockery. Attorney T.C. Morphis, Reporter for The Pilot Laura Douglass, Pat Corso, Tim Marchum, Marsh Smith, Tony Inglese with Elite Roofing, Bruce Parker, and 2 other citizens were also in attendance for the meeting.

Mayor Farrell called the meeting to order at 6:02 p.m.

Mayor Farrell informed everyone of the passing of Former Mayor Bill Marts and the funeral arrangements.

1. Revisions to Local Agreement with Reliance Packaging, LLC.

Pat Corso stated the agreement is straight forward; the challenge is making the two agreements marry up to each other. Mr. Corso stated the state came through with an incentive package worth \$279,000 for Reliance Packaging: One NC Grant for \$52,000, NCDOT Rail Incentive Industrial Access Program to fix the spur, customized workforce training through the state worth \$45,000, sales tax exemption on machinery and equipment purchase of \$149,000. Reliance also received a Building and Restoration grant. The One NC Fund has to be matched which could come from the incentive package already offered. The problem with the One NC Fund was timing and how do you marry these up to the other grant. Moore County approved the agreement in closed session but not in a Public Hearing, so it was not ready to be executed. Once the document was reviewed so that it could be executed, a need for some corrections was discovered. One thing to be cleaned up was that it called for the Incentive to be the increase in Ad Valorem taxes versus a percentage of the Ad Valorem taxes. This document will become the template from this point forward for One NC Funds for Aberdeen and Moore County. There is a new document for the

Board to consider and vote on in the next Board Meeting. Planning Director Graham stated the only clarification is that the County's failure to execute the document was an oversight and not an intentional rejection of the agreement. Planner Martin stated no funds have been disbursed for this yet. Attorney Morphis stated no commitments are changed for any party just clarifications that local agreements match up with what is required from the state. The item will be added to the consent agenda for the September 26th Board Meeting.

2. 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. Conditional Use Permit CU #16-05 for The Academy of Moore. Public Hearing scheduled for 9/26/16

b. Conditional Zoning Request #16-05 to Allow an Adult Day Care Facility at 316 Fields Drive. Public Hearing scheduled for 9/26/16

Item is to be removed from the consent agenda at the request of the applicant.

c. Continued Public Hearing for CU #16-04 Submitted by George Nelson for Property Located on Lighthouse Circle. Continued Public Hearing scheduled for 9/26/16

d. Revisions to Local Agreement with Reliance Packaging, LLC.

A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to approve a, c, and d of the consent agenda and remove b. Motion unanimously carried 3-0.

3. Appointment and Re-Appointment to Planning Board.

Planning Director Graham stated Johnny Ransdell is not eligible for re-appointment since he has served two consecutive terms. Heidi Whitescarver has submitted an application for the ETJ vacancy on the Planning Board and Bill Prevatte is eligible for re-appointment for In-town.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to accept the new nomination, Heidi Whitescarver, to fill the ETJ vacancy with a 3 year term to expire June 2019 and re-appoint Bill Prevatte to a 3 year term to expire June 2019. Motion unanimously carried 3-0.

4. Minor Modification to CU #05-04 Submitted by McKee Homes for Lot Line Changes on Lots 107-112.

Director Graham stated this modification is to correct the anomalies in the shapes of the five lots and bring a more consistent lot size and width and street frontage. Director Graham stated adjustment over five feet requires Board approval. Mayor Farrell asked about the alley between lots 112 and 113 on the map. Geoff Potter, with McKee Homes, stated it is a drainage easement and is maintained by the Legacy Lakes Homeowners' Association. Director Graham stated no additional lots are being created or taken away. Commissioner Byrd asked is this the last of the adjustments that needed to be made in this area on that side. Mr. Potter stated yes.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to approve the adjustments. Motion unanimously carried 3-0.

5. Request to Permit Metal Siding on Proposed Industrial Building at 301 Fields Drive.

Director Graham stated this is the same Elite Roofing property that the Board of Adjustment made a decision on recently approving the expansion and the applicant made request to allow metal siding on the proposed addition. This does not require a variance because UDO §152-163.13 states that metal buildings may be approved by the Board of Commissioners for industrial applicants upon the determination that the use of any other material would be deemed unsafe or impractical. The "unsafe or impractical" standards are the two standards that the Board would base their decision on. Attorney Morphis stated the Board, several years ago, wanted to strengthen the requirements of metal buildings requiring that a percentage of the facades be covered in brick, stone, etc. comes from. Also, at that time it was recognized that some areas such as industrial/commercial zoned districts it might be financially ruinous to require other siding. Marsh Smith stated Mr. Inglese replaced the old rusted siding about a year ago to make improvements on the building. Mr. Inglese distributed some photos of the current building – side of building and front of building. Mr. Inglese wants to keep the same siding on the proposed addition because it would be tough to tie different siding into the existing because it is a lap

siding and he wants to keep the same vintage look of the building all the way around when the new addition is added. Mayor Farrell asked how long the addition will be. Mr. Inglese stated about 18'. Mayor Farrell asked if this was a case by case. Director Graham stated yes and this doesn't change anything in the Ordinance. Attorney Morphis stated this is not quasi-judicial and the decision tonight does not affect any decision in the future. Director Graham stated in order to fully comply with the UDO and in making the decision the question of unsafe or impractical should be explored in the decision.

Motion made by Commissioner Byrd, seconded by Commissioner Goodwin, to allow the metal siding to be used, as presented to the Board tonight, to continue the appearance of the building as it would be impractical to do anything else and would impose an unsafe environment if we required the other type of siding to be used. Motion unanimously carried 3-0.

6. Other Business.

Manager Zell stated Public Works Director Rickie Monroe has put together a memo on the status of some projects.

-The surveyor hasn't completed his work in the Broadway area. He is researching deeds because in one area for example there are two pieces of property that the lines meet in the middle of Thomas Avenue.

-Rickie and Bill have contacted DOT concerning the curb & gutter along US 1 and DOT responded saying they will get to it whenever they get to it. Mayor Farrell stated this is an issue that goes way back. Commissioner Dannelley and Byrd asked if any of the communication has been documented when the Town contacts DOT about this issue. Commissioner Byrd stated it needs to be put on record and the Board & Town needs to be proactive. Commissioner Dannelley asked aren't we trying to not only address the unsightliness but also the potential for flooding because the gutters are clogged. Commissioner Dannelley wants to address the issue from the point of health & safety from flooding and this is the approach he wants to see taken. Commissioner Dannelley wants a letter drafted identifying these health & safety concerns. Mayor Farrell asked Manager Zell to develop and send a letter to District 8 DOT Manager Brandon at the Aberdeen DOT office about the concerns of the Board and they will meet with him if necessary.

-Manager Zell stated since there are no health concerns at this point with the asbestos in the rotunda, allowing us to wait until next year's budget time to figure out what way the Board wants to go. Commissioner Byrd stated Option II he feels is the right thing to do so that it can be done right once and not have to keep going back and piecemeal it together. Mayor Farrell stated to wait until budget time.

Manager Zell reminded the Board members of the Assessment Center and dinner on September 22nd and 23rd.

Commissioner Byrd reminded the Board about The Academy of Moore playground dedication on September 23rd at 5:30 p.m.

Commissioner Byrd reminded Mayor Farrell and Manager Zell about The Academy of Moore bringing a 3rd grade class to the Town Hall on September 29th and Mayor Farrell and Manager Zell are requested to be present.

Mayor Farrell stated he has letter date 8/31/16 from Allyson Schoen and Don Goulet of The Academy of Moore requesting that a police officer be made available to direct traffic into and out of the school property. Manager Zell stated he has talked with Police Chief Tim Wenzel about this. There are not enough officers to cover school traffic on US 1, cover the road, and help with The Academy traffic. Commissioner Byrd stated he has already suggested that The Academy of Moore Board consider sending a letter to NCDOT asking for flashing lights to be installed for school zone. Mayor Farrell stated the first step is for The Academy to contact DOT to have flashing lights installed. Commissioner Dannelley asked what role the school system would have in helping with this issue in weighing from a school/student safety prospective. Mayor Farrell suggested a serpentine drive to get more cars off the road.

Mayor Farrell stated he has a petition dated 8/22/16 from Legacy Lakes with 120 signatures against a McKee Homes sales trailer. Commissioner Byrd stated there are two parts to the petition: the 1st is opposition from the Legacy Lakes residents about the sales trailer and the 2nd was concern about adherence to building codes, UDO requirements, structural issues, etc. Commissioner Byrd also stated the bridge structure is an issue with heavy trucks going over the bridge. Director Graham stated the map the Board just received has an existing entrance at the top circled in red and the bottom red circle is second entrance that is planned for and approved on the preliminary plat. Director Graham stated the 2nd entrance winds its way back

up to the traffic circle and doesn't have any other option. She stated they are poring through the concerns and gathering a collective response to bring to the Board. Mayor Farrell asked if the Town had any pressure on the contractors. Commissioner Byrd asked if there was a way to have a temporary construction entrance that comes in from the back bordering the day camp. Director Graham stated there is not an access point unless they cross private property and the only way to do that would be to get some type of easement. Mayor Farrell asked what pressure the Town has on contractors. Director Graham stated if they are in violation of Town ordinances we have plenty and can give notice of violations and impose fines. Some issues fall into that category and some do not. Commissioner Dannelley suggested letting Director Graham take time to address 100% of the concerns and fully investigate and bring a report back to the board.

7. Closed Session pursuant to N.C. General Statute 143-318.11(a)(3) & (a)(4) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to discuss matters pertaining to economic development.

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)(3) to discuss matters within the attorney client privilege. Motion unanimously carried 3-0.

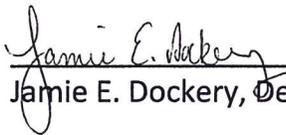
The Board returned from Closed Session. A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to open regular session. Motion unanimously carried 3-0.

After the Board returned from Closed Session, Commissioner Byrd asked why the Board of Adjustment meetings are being held out of session and not in conjunction with the already scheduled meetings. Commissioner Goodwin stated that she is uncomfortable having the Commissioners serve as the Board of Adjustment. She asked how that can be changed. Attorney Morphis stated the UDO can be amended to make the Board of Adjustment an independent board. Commissioner Byrd agreed on separating the Commissioners from the Board of Adjustment. Attorney Morphis asked if he is authorized to tell the Lamar attorney that the Board of Commissioners would prefer to have an independent Board of Adjustment and ask if they can put this on hold until a new Board can be constituted. Commissioner Byrd stated to put a bracket with no more than 90 days. All Commissioners agreed to allow Attorney Morphis to ask that question. Director Graham asked if the Lamar case would be the

one they would want another Board to have a final decision on. All Commissioners stated yes. Commissioner Byrd stated the question is do we want to punt this to another Board within the next 90 days or do we want to go ahead and address it and in the interim start putting together an independent board. Attorney Morphis said he now has public record and has been directed to make the offer to Lamar's attorney to have an independent board for their meeting.

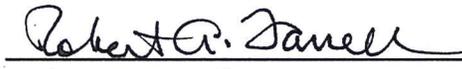
8. Adjournment.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to adjourn the Board Meeting. Motion unanimously carried 3-0.



Jamie E. Dockery, Deputy Town Clerk

Minutes were completed in
Draft form on September 12, 2016



Robert A. Farrell, Mayor

Minutes were approved
on September 26, 2016

