

Minutes
Regular Board Meeting
Aberdeen Town Board

September 10, 2012
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, September 10, 2012 at 6:00 p.m. for the Regular Board Meeting. Members present were Mayor Pro-tem Robert A. Farrell and Commissioners Pat Ann McMurray, Alan Parker, Jim Thomas, and Walter Wright. Mayor Elizabeth B. Mofield was not in attendance for the meeting. Staff members in attendance were Planning Director Kathy Liles, Senior Planner Pam Graham, Town Manager Bill Zell, and Town Clerk Regina Rosy. Others in attendance were Reporter for the Pilot Tom Embrey, Tim Marcham, Brooks Lockey, Elease Goodwin, Ruth Akins, and approximately 16 other citizens were also in attendance for the meeting.

1. Call to Order

a. Pledge of Allegiance.

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

2. Proclamation for Ruth Akins Day

Mayor Pro-tem Farrell presented a proclamation to Ruth Akins and proclaimed September 30, 2012 as Ruth Akins Day in Aberdeen, NC in honor of her birthday which was on August 31, 2012. Ms. Akins thanked God for the 100 years she has lived on this earth.

3. Public Hearings

a. Consideration of the closing of two unnamed alleys, the first located along a midpoint between Montford and Rush Streets and parallel to said streets and the second behind the first row of lots adjacent to Poplar Street between Montford and Rush Streets.

Mayor Pro-tem Farrell opened the public hearing on Consideration of the closing of two unnamed alleys, the first located along a midpoint between Montford and Rush Streets and parallel to said streets and the second behind the first row of lots adjacent to Poplar Street between Montford and Rush Streets.

Planning Director Liles stated the Town is looking at closing two alleys located between Montford, Rush, Poplar and Sycamore Streets. The original request was to close the alley behind Lot 48 and the eastern half of Lot 47. The Town is evaluating the feasibility of closing more. A quitclaim deed was issued to close a portion of the alley, which was not the correct procedure, therefore this is a good opportunity to clean up the title to easement that was transferred by deed. A request has also been received to do one final cleaning of the alley before closure.

Planning Director Liles displayed a map showing the affected area. Any person may be heard on the question of whether or not the closing would be detrimental to the public interest or the property rights of the individual. Planning Director Liles stated the basis of determination by the Board can not be contrary to the public interest, and no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived by reasonable means of ingress or egress to his property.

Planning Director Liles stated there are a few encroachments that have already occurred. Planning Director Liles stated structures appear to have been placed over the property lines, but without a true survey, it is not possible to determine exact location at this time. Planning Director Liles stated the rights to adjoining property owners are the title is vested to the adjoining property owner to the centerline. Planning Director Liles stated the titles may be altered subject to a plat approval by all owners.

Mayor Pro-tem Farrell asked if anyone would like to speak regarding this matter. Planning Director Liles stated if no one speaks, then the presumption will be that there are no issues with closing this alley.

David Hall stated he has property located at 606 N. Poplar Street. Mr. Hall stated he has lived there since 1989, and has used the alley in question to access the back of his property. Mr. Hall stated he owns the property everyone refers to as the big boat house, because of the big boat that sits in the front yard. Mr. Hall stated his concern is that he does not currently use the alley out of respect for his neighbor, since he would have to drive on their property to access his property because there is a tree in the alley currently. Mr. Hall stated he has contacted his neighbor, Cy Israel, about possibly buying additional property beside his current property. Mr. Hall stated his understanding is that the alley is 20 feet wide, and he is wondering if the Town is going to mark the boundaries of the alley so that everyone knows where the alley is located, since a survey has not been conducted. Mr. Hall stated he is not in favor of cutting down the oak tree that is currently located

in the alley. Mr. Hall stated if he is not able to buy the additional property, then the alley in question is his only way to access the back of his property.

Commissioner Parker asked if a survey was requested, and the surveyor placed flags on the boundary lines, would the alley be marked the full 20 feet wide, or 10 feet wide (which is supposedly all that is remaining due to the quitclaim deed). Planning Director Liles stated the Town could grant an easement for 10 feet of the alley, and close the other 10 feet of the alley if all property owners are willing. Planning Director Liles asked Mr. Hall if a 10 feet easement would be enough room to access his property from the back. Mr. Hall stated he feels that would be enough. Commissioner Parker stated the property owners would all have to agree to the easement, which may not happen.

Commissioner Thomas stated he understands the easement is 20 feet wide, and the survey would determine where the center of the alley is, and that would be the new border of surrounding properties measured from the center line. Planning Director Liles stated per the Board's request, she will contact a surveyor and move forward on having a survey conducted.

With no further discussion, Mayor Pro-tem Farrell closed the public hearing on Consideration of the closing of two unnamed alleys, the first located along a midpoint between Montford and Rush Streets and parallel to said streets and the second behind the first row of lots adjacent to Poplar Street between Montford and Rush Streets.

b. 2011 Small Business and Entrepreneurial Assistance (SBEA) Grant.

Mayor Pro-tem Farrell opened the public hearing on 2011 Small Business and Entrepreneurial Assistance (SBEA) Grant.

Planning Director Liles stated when this public hearing was held previously there was a glitch at The Pilot newspaper, and the legal notice was not advertised as confirmed. Planning Director Liles stated therefore, she will need to re-conduct the entire public hearing to meet the requirement by the Department of Commerce.

Planning Director Liles stated the Town has to document that these businesses will create the jobs specified in return for the dollars received.

Planning Director Liles stated Davenport's Galaxy has to create 8 full-time positions, and will also create 9 part-time positions. Brian's Barbershop has to create 1 full-time position in order to receive grant funding.

Planning Director Liles stated the maximum funding for the grant is \$225,000, the total cost of activities is \$380,000, and 71% of the total cost will be financed with CDBG funds. The project budget for the SBEA grant is as follows:

- Davenport:	\$171,500
- Blue's Crossing:	\$23,000
- Entrepreneurial Assistance:	\$ 8,500
- Admin & Planning:	<u>\$ 22,000</u>
Total	\$225,000

Planning Director Liles stated a secondary component of the SBEA project is to create and nurture an entrepreneurial environment within Aberdeen. This will be established by the following actions:

- Create an executive steering committee for downtown Aberdeen Board.
- Provide training and development of skills through Sandhills Community College.
- Provide tuition for small business classes for potential and existing entrepreneurs.

Mayor Pro-tem Farrell stated he is looking forward to the grocery store opening back up.

With no further discussion or public comments, Mayor Pro-tem closed the public hearing on 2011 Small Business and Entrepreneurial Assistance (SBEA) Grant.

4. Setting of the Agenda

A motion was made by Commissioner Thomas, seconded by Commissioner Parker, to approve the setting of the agenda as presented. Motion unanimously carried.

5. Approval of the 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 Regular Board Meeting on August 13, 2012 and Work Session on August 30, 2012.

A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve the consent agenda as presented. Motion unanimously carried.

6. Informal Discussion and Public Comment.

a. Kristen Wachob – Water Bill.

Kristen Wachob, stated she and her husband have lived in Aberdeen for 2 years, and her last water bill was over \$1,500. Ms. Wachob stated her husband is serving in the military and is currently deployed, and she went to visit her parents last month for support for she and her child. Ms. Wachob stated her neighbor watched her property for her while she was away, and never noticed any water leak. Brian McBryde stated he has a part-time business, Aberdeen Concepts, and he explained what he believes happened with Ms. Wachob's sprinkler system. Mr. McBryde stated the sprinkler head malfunctioned and leaked water right below the ground surface for the whole time Ms. Wachob was away on her trip, without anyone even noticing the leak. Mr. McBryde stated the sprinkler system has been repaired. Ms. Wachob stated she can not afford a bill this high, and she is begging for the Board to consider some type of adjustment for her water bill.

Manager Zell stated there are two separate policies that govern this type of situation, water-only meter and household meter. Manager Zell stated on the regular water bill, if there is a leak, there is an average taken of the last 3 billing cycles to determine what the bill would have been, and a plumber's repair receipt has to be provided, in order for the average usage to be used for the bill. On a water only meter, only 10,000 gallons of water is removed for adjustments.

Commissioner Wright stated he would like to hold this item for further discussion at the Work Session. Mr. McBryde stated he would be willing to help Ms. Wachob come up with some type of community plan to help others prevent this same type of thing from happening, in exchange for her not having to pay the full cost for the water bill.

7. Financial Report

Manager Zell stated there is no financial report for this month, and it will be brought to the Board at the October Board Meeting.

8. Old Business

None

9. New Business

- a. UDO Text Amendment #12-08 – New Definition and Requirements for Indoor Kennels.

Commissioner Parker stated every time he reads about the animal waste, he has to stop himself when reading, “solid waste to be picked up and removed from the facility daily.” Commissioner Parker stated he believes there might be better wording that could be used for this part of the text amendment. Mayor Pro-tem Farrell stated he is not sure if the wording means what it says. Mayor Pro-tem Farrell suggested using the language that the State uses. Senior Planner Graham stated this item could just be rephrased to be more clear on the meaning. Senior Planner Graham stated NCDENR states the solids should not go in a septic system, but should be double filtered, but there is no guidance on how to remove the solid wastes from the facility. Commissioner Parker stated he would like to see some clarification with Item #13. Senior Planner Graham stated the term facility could be changed to kennel or building unit.

Shane Sanders, SNS Engineering, stated the solids can not be placed in the septic system due to NCDENR regulations. Mr. Sanders stated he and Mr. McSwain are on the same page, and believe that the solids would be removed from the “building” daily. Senior Planner Graham suggested changing it to read “solids to be removed from all areas accessed by the animals on the site.”

Senior Planner Graham asked for a proposal from the Board on how they would like to amend this item. Commissioner McMurray suggested animal waste from the grounds and buildings shall be removed from all areas daily accessed by animals and placed in the septic system. Mr. Sanders stated the entire facility is fenced in five feet around it and the Division of Animal Welfare requires solid wastes to be removed twice a day. Commissioner Parker stated another concern he has is that the developer is looking at building another facility on the property. Commissioner Thomas asked what the real problem is here. Commissioner Parker stated he is concerned about the usage of words in this text amendment and the words not being clear on the meaning. Planning Director Liles suggested it read “animal wastes shall be removed from the property daily and placed in the sewer/septic system or bagged and placed in an approved dumpster which shall not be located any closer than 50 feet from any property line or surface waters in accordance with all state regulations.” Everyone was pleased with that amendment.

- (1) UDO Text Amendment #12-08 is/is not consistent with all adopted plans of the Town of Aberdeen including the 2030 Land Development Plan, the Hazard Mitigation Plan, the Pedestrian Plan and the Bicycle Plan, and the Green Growth Tool Box.

A motion was made by Commissioner Parker, seconded by Commissioner Thomas, that UDO Text Amendment #12-08, is consistent with all adopted plans of the Town of Aberdeen including the 2030 Land Development Plan, the Hazard Mitigation Plan, the Pedestrian Plan and the Bicycle Plan, and the Green Growth Tool Box as amended. Motion unanimously carried.

- (2) UDO Text Amendment #12-08 Amending the Unified Development Ordinance to Allow Indoor Kennels.

A motion was made by Commissioner Parker, seconded by Commissioner Thomas, to approve #12-08 Amending the Unified Development Ordinance to Allow Indoor Kennels as amended. Motion unanimously carried.

- b. Conditional Use Permit #12-05 submitted by Jim McSwain to allow for an Indoor Kennel Facility on property identified as Lot 12, Aqua Shed Court, Sandy Mine Commerce Park.

Senior Planner Graham stated this is the conditional use permit application, which is more site specific, and more information is available.

- (1) CU #12-05 is/is not complete as submitted.

A motion was made by Commissioner Thomas, seconded by Commissioner Parker, that CU #12-05 is complete as submitted. Motion unanimously carried.

- (2) CU #12-05 satisfies/does not satisfy Finding #1: will not endanger public health or safety.

A motion was made by Commissioner Thomas, seconded by Commissioner McMurray, that CU #12-05 does satisfy Finding #1: will not endanger public health or safety. Motion unanimously carried.

- (3) CU #12-05 satisfies/does not satisfy Finding #2: will not injure the value of adjoining or abutting property.

A motion was made by Commissioner Thomas, seconded by Commissioner McMurray, that CU #12-05 satisfies Finding #2: will not injure the value of adjoining or abutting property. Motion unanimously carried.

- (4) CU #12-05 satisfies/does not satisfy Finding #3: will be in harmony with the area in which it is located.

A motion was made by Commissioner Thomas, seconded by Commissioner Parker, that CU #12-05 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried.

- (5) CU #12-05 satisfies/does not satisfy Finding #4: will be in conformity with the land-use plan, thoroughfare plan, or other plan (Hazard Mitigation, Pedestrian and Bicycle Plans) officially adopted by the Town Board.

A motion was made by Commissioner Thomas, seconded by Commissioner McMurray, that CU #12-05 satisfies Finding #4: will be in conformity with the land-use plan, thoroughfare plan, or other plan (Hazard Mitigation, Pedestrian and Bicycle Plans) officially adopted by the Town Board. Motion unanimously carried.

- (6) Based on the findings of fact and the evidence presented, the Board of Commissioners:
- (a) Recommends denial of CU #12-05 based on the following. . .
 - (b) Recommends approval of CU #12-05.
 - (c) Recommends approval with conditions of CU #12-05.

A motion was made by Commissioner Thomas, seconded by Commissioner Parker, to recommend approval of CU #12-05 with the following conditions:

1. Conditional Use Permits run with the land and as such this conditional use permit applies to the entirety of the property reflected in LRK #20000407. An amendment to the Conditional Use Permit is needed to remove property from the Conditional Use Permit or to make changes to the Conditional Use Permit. If an activity is a use by right, it is not subject to the Conditional Use Permit.

2. The proposed use is authorized through this permit, subject to approval of the site plan by staff.
3. Approval of the Conditional Use Permit is contingent on approval of the site plan by staff.
4. Any and all required permits from other regulatory agencies must be in place as a condition of this approval.
5. Final site plan must include a detailed landscaping plan to address landscaping and screening requirements.
6. Applicant must satisfy requirements of Article XI, § 152-160 Water Supply Watershed Overlay District Regulations.

Motion unanimously carried.

10. Other Business

Planning Director Liles stated regarding the survey work for the alley closure, she needs the Board to authorize a Resolution Exempting Surveying Work from the Requirements of N.C.G.S. 143-64.31 for the plat for the unnamed alleys bordered by Montford, Rush, Poplar, and Sycamore Streets. A motion was made by Commissioner Parker, seconded by Commissioner Thomas, to approve a Resolution Exempting Surveying Work from the Requirements of N.C.G.S. 143-64.31 for the plat for the unnamed alleys bordered by Montford, Rush, Poplar, and Sycamore Streets. Motion unanimously carried.

Manager Zell stated tomorrow night the Citizen's Academy Program begins, and there are 12 citizens signed up to participate.

Manager Zell stated the Bull's City Forward feasibility study results will be presented Wednesday morning at Pine Needles at 9:00 a.m. if any Board members would like to attend.

11. Adjournment

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to adjourn the meeting. Motion unanimously carried.

Regina M. Rosy, Town Clerk
Minutes were completed in
Draft form on September 10, 2012

Robert A. Farrell, Mayor Pro-tem
Minutes were approved
on October 8, 2012