

Minutes  
Special Called Meeting  
Aberdeen Board of Commissioners

June 18, 2012  
Monday, 5:30 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Town Board met on Monday, June 18, 2012 at 5:30 p.m. for a Special Called Meeting. Members present were Mayor Elizabeth B. Mofield, Mayor Pro-tem Robbie Farrell, and Commissioners Pat Ann McMurray, Walter Wright, Jim Thomas and Alan Parker. Others in attendance were Town Manager Bill Zell, Financial Officer Beth Wentland, Planning Director Kathy Liles and Permit Technician Jenni Secrist. Nick Lukens was also in attendance for the meeting.

1. Fiscal Year 2012-2013 Operating Budget Ordinance.

Manager Zell stated this was the budget put very succinctly; it has all the totals listed. Mayor Pro-tem Farrell stated the tax rate would stay the same.

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to approve the 2012-2013 operating budget for the Town of Aberdeen. Motion unanimously carried.

2. Fiscal Year 2011-2012 Budget Amendments.

Commissioner Wright asked if these amendments were individual or collective. Manager Zell stated they can be approved collectively but to change the fund balance then they will have to be done individually.

Finance Officer Beth Wentland stated there are ten amendments with several capital purchases as well as the usual housekeeping amendments.

Mayor Mofield read the amendments as follows:

- Yearend 'housekeeping' amendments for General Fund

- Appropriate for the receipt & disbursement of economic grant proceeds for Royal Threads
- Appropriate for the purchase & installation costs of a new sound system in the municipal building
- Appropriate for the purchase of new file server and a/c unit for file server room at Police Facility
- Appropriate for the costs associated with new fence at Colonial Heights Ballpark
- Appropriate for the additional Powell Bill revenue as well as additional expenses incurred
- Appropriate for the early payoff of recycling containers' debt to cover final payment
- Appropriate for the first payment on new police cars acquired this year
- Yearend "housekeeping" amendment for Water & Sewer Fund
- Appropriate for the incurred costs thus far for Well 22

A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approve the June 18, 2012 budget amendments as listed. Motion unanimously carried.

3. A Resolution to Accept Transfer Rights for 10/70 Land Area in the Drowning Creek Watershed to the Town of Aberdeen, NC from County of Moore, NC.

Planning Director Liles stated Moore County indicated they could not find any documentation on file where Aberdeen was given any watershed allocations at all. A meeting was held with Mike Lawyer and Julie Ventaloro with DENR to discuss this situation. This resolution will set the stage so that Moore County will grant the Town of Aberdeen with 530 acres of watershed allocation area at which the Town will be provided a 10/70 provision of 53.001 acres. Planning Director Liles stated this resolution will clarify what Aberdeen should have.

A motion was made by Mayor Pro-tem Farrell, seconded by Commissioner Thomas, to Accept Transfer Rights for 10/70 Land Area in the Drowning Creek Watershed to the Town of Aberdeen, NC from County of Moore, NC. Mayor Pro-tem Farrell asked if the Town uses a portion of the 53.001 acres. Planning Director Liles stated yes the Town has used some of the 53.001 acres. Staff will have to go back

and review the building foot prints that have been approved, the special non-intensity residential files that we do have access to, and make sure the numbers are in alignment. Planning Director Liles stated she would guess there is around 30 acres left. Motion unanimously carried.

4. Consideration and discussion of Conditional Use Permit CU#12-02 for Retail Sales with High Traffic Generation for an application filed by Mosley Real Estate Advisors affecting land currently owned by Huntley Family Limited Partnership and Bonnie McPeake.

Planning Director Liles passed out a list of the Planning Board's list of recommendations that reflects conversations between staff and Board members. Planning Director Liles presented the letter received from DOT on May 30, 2012 as provided in the Board Packets. Planning Director Liles stated this is not a discussion of new information but a discussion of information already submitted.

Mayor Mofield stated she thought the Washington Street and Poplar Street connections were off the table. Planning Director Liles stated the applicant decided to remove Washington Street and the Planning Board recommended removal of the Poplar Street access. Mayor Mofield asked if the developer was not willing to improve Washington Street. Planning Director Liles stated the applicant had not budgeted to improve Washington Street.

Mayor Mofield questioned the three feet of green space on US Highway 1, and stated she felt it was very offensive and does not give enough space. Mayor Pro-tem Farrell stated the three feet is from the curb to the sidewalk and there is additional area behind the sidewalk. Planning Director Liles stated yes there is an additional green area. Nick Lukens also stated there will be a 3 feet green space before the sidewalk and an additional 18 feet of green space between the sidewalk and the start of the paved parking area.

Mayor Mofield asked to have a discussion about the Poplar Street and the Washington Street entrances. Planning Director Liles stated she had a conversation with Marty Tillman with DOT who expressed that DOT would require a connection from 15/501 to Poplar Street. Mr. Tillman was going to speak to Rob Stone to get further information on the status of the analysis; no response from Mr. Tillman has

been received at this time. Planning Director Liles stated she had a conversation with the Town Attorney and he was also unable to reach Mr. Tillman.

Mayor Mofield asked does this leave the Town in a position that we are unable to make a decision. Planning Director Liles stated it leaves the Town in the position where if a decision is made and it is inconsistent with DOT's directive then the applicant will be left in purgatory. The applicant would either have to come back to the Town and modify their conditional use permit or they would have to challenge DOT's decision.

Mayor Pro-tem Farrell asked to discuss the traffic pattern on US Highway 1 and the status of the Q lengths. Planning Director Liles stated that is still up in the air and there is also a question of the level of service at the interchanges.

Nick Lukens stated the letter sent on May 30, 2012 was almost an exact replica of a letter sent out by Chuck Dumas who is no longer working with this project. He stated he and the traffic engineers met with Marty Tillman, James Garner, and Rob Stone before the last Planning Board Meeting and went through all the items listed in this letter. Mr. Lukens stated the property located on Parcel C will be retained by Mr. Huntley and possibly be developed in the future. The fact that there is potential for development, DOT required the applicant to make assumptions on possible future development and revise the Traffic Impact Analysis. Mr. Lukens stated they are only seeking approval for the two front parcels. He stated the problem with DOT is they are basically non-committal until the date that they issue the permit. From this point forward the applicant plans to go to great lengths to get approval from DOT but without approval of a conditional use permit, which they would have to adhere to the conditions, it is difficult to pursue something if it is unknown whether it is acceptable by the Board. Mayor Mofield stated it was her understanding that the conditional use runs with the land so it would have to be approval for all parcels. Planning Director Liles stated conditional use does indeed run with the land. So if there are three parcels involved in the application process of the conditional use permit, anything that you approve or choose not to approve will be tied to all three parcels of land. It kind of caps what the applicant can do on this land without subsequent approval from the Board.

Mayor Pro-tem Farrell asked if the applicant can proceed with the project with just approval of Parcel A. Mr. Lukens stated no, a portion of the CVS property

consists of a portion of the McPeake property, and in order to secure bank financing entitlement must be in place to know that development of that property is allowed for what is intended to be put on it.

Mr. Lukens stated they are not looking to get approval to allow the owner of Parcel C to develop the property without having to come back to the Board.

Commissioner Parker stated he is having a hard time understanding how the applicant is separating Parcel A and B from Parcel C when the applicant has identified Parcel C and it is a part of their plan. Mr. Lukens stated that Parcel C would be a portion of land that is left over from the Huntley property after they acquire a portion of land in the front. Planning Director Liles stated as long as the traffic volume did not change and this traffic impact analysis was still fairly recent the Traffic Impact Analysis would still apply to Parcel C.

Mayor Pro-tem Farrell asked if this were to be approved as a conditional use, is there a way to hold the developer to the square footage applied. Mr. Lukens stated they have agreed to a building envelope and square footage limitation and any changes will require modification to the conditional use permit. Mr. Lukens stated if this project did not require having a Traffic Impact Analysis and conditional use permit, this would be a use-by-right and would only have to have staff approval. Commissioner Parker stated since it does generate the additional amount of traffic it is a public safety issue, and that is why the Board needs full information before they can make a decision.

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to table the discussion and consideration of Conditional Use Permit CU#12-02 for Retail Sales with High Traffic Generation until detailed information is received from DOT. A great deal of discussion took place following this motion.

Mayor Pro-tem Farrell asked if this item gets tabled, or approved, what would happen if DOT does have a problem. Planning Director Liles stated if any changes to the site plan are needed for DOT approval, this item would have to come back to the Board for modification. This could be a drawn out project because we are waiting for DOT approval.

Mayor Pro-tem Farrell discussed reducing parking to 66 spaces on Parcel A, and discussed the total parking spaces for the entire retail center. Planning Director Liles stated parking depends on the use of the building on Parcel B.

Mr. Lukens agreed to reduction of parking on the CVS parcel to 66 parking spaces, but there are corporate requirements on configuration of parking. Mr. Lukens stated they would only authorize development of Parcel A. Commissioner Parker stated he is focusing on DOT factors and public safety issues.

The Board discussed the need for a Special Called Meeting to discuss Washington Street questions and other concerns related to the project. Commissioner McMurray stated she had a few items she would like to see answered. Mayor Pro-tem Farrell questioned the need to improve Washington Street so that there is another means of accessing these parcels. Planning Director Liles stated there is some flooding at the end of Johnson and Washington Streets, and point of ingress and egress has to meet standards, and stripe out traffic. Planning Director Liles stated Washington Street is substandard, and the next question would be, if it is improved, who is going to pay for it? Commissioner Thomas pointed out that opening up Washington Street will not cause a huge difference in the traffic flow to the development. Commissioner Thomas stated he believes the Town needs information from DOT, before moving forward. Mayor Mofield stated there are so many specific questions that are unresolved, and that would be the reason for tabling.

Mr. Lukens stated any site development requires DOT standards to be met, and the language in the conditions require that they must receive a DOT driveway permit. Mr. Lukens stated he is confused on why to delay this project to get an absolute response from DOT. Mr. Lukens stated they are always going to be subject to approval from DOT. Mayor Mofield clarified the Town Board, by policy, does not vote on an item held for public hearing until the following Board Meeting after the public hearing, which in this case would be on August 13, 2012. Mayor Mofield stated the Town Board is giving special consideration to this item tonight. She stated she was under the impression that the Planning Board dropped the Poplar Street and Washington Street entrances. Planning Director Liles stated staff has attempted to capture various scenarios within the conditions, and that is why there are 23 conditions on this conditional use permit. Mr. Lukens stated he would like to address all outstanding items now instead of waiting until the next meeting, so there

is not another delay on vote on this item. Mr. Lukens described the process this project has been through to this point, and gave details of public safety issues and how each of those were addressed. Mr. Lukens stated he is comfortable at this point, moving forward without a connection to Poplar Street and Washington Street.

Planning Director Liles stated the Traffic Impact Analysis was completed by a consultant the applicant contracted out. Commissioner Thomas asked if DOT will do another traffic analysis? Planning Director Liles stated no, DOT will accept the model provided by the applicant. DOT added Parcel C to the analysis so they would have full disclosure. Commissioner Thomas asked if DOT has everything they need in order to make their decision. Planning Director Liles stated DOT has everything they need in order to make their decision. Commissioner Thomas asked if there is really any harm then of going ahead and making a decision tonight. Mayor Mofield stated the Planning Board has declined the access to Poplar Street, but DOT may say the developer must use Poplar Street. Mayor Mofield stated if that happens, then the Town could deny the conditional use permit.

Mayor Pro-tem Farrell stated the developer has agreed to the 66 parking places, would they be willing to stub-out the portion of Washington Street up to their property line. Commissioner Parker asked if the stub out would be to driveway standards or road standards. Mr. Lukens stated it would be developed to street standards.

Mayor Mofield stated she would like for the Board members to vote on the motion on the table, to table this item until information is received from DOT regarding this conditional use permit. Commissioner Wright suggested having the meeting no later than June 29, 2012.

Mr. Lukens stated he believes all other outstanding issues need to be addressed at this time, so that once information is received from DOT, then this project can move forward. Mr. Lukens stated he would agree to 66 parking spots and stub out Washington Street to the property line. Mayor Mofield questioned why the signage only contains a sign for one business. Planning Director Liles stated the request is for a sign on Parcel A that includes Parcels A and C and the sign on Parcel B would only be for that Parcel. Planning Director Liles stated the master sign plan for these parcels can be addressed in the conditions.

Commissioner McMurray stated she is uncomfortable making any type of decision tonight since she has not heard from DOT yet, and does not have answers to many of her questions.

Mayor Mofield restated the motion by Commissioner Parker, seconded by Commissioner Wright. Motion unanimously carried.

The decision was made by the Board to attempt to have a Special Called Meeting within 48 hours after DOT response.

5. Informal Discussion and Public Comment.

Mayor Mofield stated she received a call today asking if there is an ordinance in Aberdeen that controls the number of people that can live in an apartment. Planning Director Liles stated no. Commissioner Parker stated he has heard of ordinances that regulate the amount of unrelated occupants. Planning Director Liles stated she would be willing to investigate this issue and that these programs are typically managed by housing authorities.

Planning Director Liles stated a neighbor of Sandy Springs was concerned about the reduction of lot sizes allowed in the subdivision. She would like the Board to consider the impact this type of reduction would have on adjoining property owners in the future.

6. Adjournment.

A motion was made by Commissioner Wright, seconded by Mayor Pro-tem Farrell, to adjourn the meeting at 7:31pm. Motion unanimously carried.

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Jenni Secrist, Permit Technician

Minutes were completed in  
Draft form on June 18, 2012

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Elizabeth B. Mofield, Mayor

Minutes were approved  
on August 13, 2012