

**Minutes  
Regular Board Meeting  
Aberdeen Town Board**

March 25, 2019  
Monday, 6:00 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, March 25, 2019 for the Regular Board Meeting. Members present were Mayor Robert A. Farrell, Mayor Pro-tem Jim Thomas, and Commissioners Ken Byrd, Wilma Laney, Joe Dannelley, and Elease Goodwin. Staff members in attendance were Planning Director Justin Westbrook, Interim Public Works Director Joe Wood, Town Manager Paul Sabiston, and Town Clerk Regina Rosy. Others in attendance included Reporter for The Pilot Laura Douglass, Ernestine Chapman, Bryan Bowles, Tim Marcham, Kacey Zumwalt, Jackie Cornell, Maurice Holland, Sr., Lynn Silvis, and Jim McSwain.

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

A motion was made by Commissioner Laney, seconded by Commissioner Goodwin, to approve the setting of the agenda as presented. Motion unanimously carried 5-0.

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. Consider approval of Minutes of Regular Board Meeting on February 25, 2019, Work Session on March 11, 2019, and Budget Retreat on March 15, 2019.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to approve the consent agenda as presented. Motion unanimously carried 5-0.

4. Informal Discussion and Public Comment

- a. Presentation of North Carolina Main Street 2018 Volunteer Champion Award to Downtown Aberdeen Advisory Board Chair, Jackie Cornell. (Planner Jen Gallimore)

Planner Gallimore stated Aberdeen was designated as a Main Street Community in 2017, which entitles Aberdeen to nominate a person for the 2018 Volunteer Champion Award. Planner Gallimore stated this year staff nominated Jackie Cornell, who is the lead person for the Dog Fair that was first held in Aberdeen last spring, and she is also the Chair for the Downtown Aberdeen Advisory Board. Mayor Farrell presented the award to Jackie Cornell and thanked her for her work for downtown Aberdeen. Mayor Farrell stated there are hardly any available buildings to rent in Aberdeen any longer, which is a great problem to have. Mayor Farrell thanked Planner Gallimore for all of her work for Aberdeen.

5. Financial Report and Manager's Report (Town Manager Paul Sabiston)

Manager Sabiston stated staff met with Conterra Networks this past week to discuss the possibility of installation of local fibernet for the Town facilities. Manager Sabiston described the proposal that Conterra has proposed for the fibernet installation which would cost approximately \$1,600 per month, and that cost would be reduced 25-35% in five years once the installation cost has been recouped. Manager Sabiston stated staff is researching other options.

Manager Sabiston stated staff met this past week with the local vendor that we have been discussing the possibility of using to process our recycling materials. Staff is on target to start a testing effort with this group at the rate of \$80/ton (instead of \$100/ton with Moore County) in early April. This could save the Town \$15,000 - \$20,000 per year if it is successful. Mayor Farrell asked how the recyclables would be picked up and dropped off with the new vendor. Manager Sabiston stated the recyclables would still be picked up by Town staff using Town equipment and the materials would be dropped off at the vendor's tipping site.

Commissioner Dannelley asked about the additional tonnage that was collected this past February in comparison with last February and why that was

higher since we don't collect glass any longer. Director Wood stated it's hard to say, but tonnage should greatly reduce as we get March's numbers.

Manager Sabiston stated over the last two weeks staff has been polling the public on the desire to continue to use "Aberdeen Elementary School" as the name for the new school facility on Highway 5. Manager Sabiston stated this item will be discussed further later in the meeting. Manager Sabiston stated the Moore County School Board will be taking input on the naming of the Aberdeen and Pinehurst schools next Monday, April 1<sup>st</sup>. Another meeting will be held on Monday, April 8<sup>th</sup> to make a decision on those school names.

Manager Sabiston stated regarding the intersection at N. Poplar Street and Maple Street, NCDOT appears ready to approve the stop signs but will need for the Town to eliminate 3-4 parallel parking spaces at the intersection to allow for better sight lines at the intersection. Manager Sabiston stated staff hopes to have a plan before the Work Session showing which spaces will have to be eliminated.

Commissioner Dannelley stated Director Wood and his team are doing a phenomenal job at implementing this new recycling program. Commissioner Dannelley stated there is a great team effort going on to make sure we get the cleanest recycling materials to the site. Director Wood stated the red tags are decreasing each week which is great news.

## 6. Public Hearings and New Business

- a. Conditional Use Permit CU #19-01 submitted by McSwain Holdings, LLC for property located at 145 Aqua Shed Court to permit an indoor kennel and dog grooming expansion in a C-I District. (Planning Director Justin Westbrook)

### (1) Public Hearing for Conditional Use Permit #19-01.

Mayor Farrell opened the public hearing for Conditional Use Permit #19-01.

Director Westbrook stated the conditional use application is for expansion of a boarding kennel and grooming salon business located at 145 Aqua Shed Court. The parcel is 2.01 acres and is owned by Jim McSwain. The property is zoned Commercial and Industrial, and is identified as Lot 12R of Sandy Mine Commerce Park.

Director Westbrook displayed an aerial map and vicinity zoning map of the property. Director Westbrook stated the existing structure

is approximately 7,293 square feet, and has a 428 square feet outbuilding. The property is part of the Sandy Mines complex that contains other commercial, storage, and light industrial uses. The nearest residentially zoned property is approximately 255 square feet at its nearest point to the existing indoor kennel on the parcel.

Director Westbrook reviewed the definition of a C-I District, which is established as a district in which the principal use of land is for industries that can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts. The regulations of this district are designed to prohibit the use of land by heavy industry, which should be properly segregated, and to prohibit any other use that would substantially interfere with the development of industrial establishments in the district.

Director Westbrook stated Mr. McSwain proposes to expand his business by adding 7,816 square feet of kennel area and another 1,200 square feet for a grooming business. The plan also shows an additional 20 gravel parking spaces with a 12 feet gravel drive to the rear southern portion of the lot. An additional septic area is also proposed. The applicant states the new structures shall be masonry and fiber cement siding. Building materials shall be reviewed during the TRC site plan review.

Director Westbrook stated regarding access and parking, Aqua Shed Court is a cul-de-sac road that accesses the southwestern portion of the Sandy Mine Commerce Park development. There is a single driveway entrance to the property to access parking and the dumpster location. Director Westbrook stated there are currently eight existing parking spaces, including one van accessible handicapped space. The applicant proposes 20 new parking spaces to the rear of the lot.

Director Westbrook stated regarding landscaping and screening, the project is required to comply with existing regulations for screening and landscaping per UDO Section 152-163.26 (D)(12). A planting plan addressing these items is required for approval as part of the TRC site plan review process. Regarding noise/odor, compliance with UDO Section 152-172 Noise and 152-174 Odor is required, as well as compliance with all government regulations whether Federal, State or local. Director Westbrook stated regarding drainage and stormwater management, the site naturally slopes towards the

southeast and contains existing vegetation that serves as an erosion control measure. The eastern rear of the parcel shows a new second septic system and a new gravel driveway and parking area. Staff recommends that disturbance, including clearing and grading, be limited to only areas necessary and that existing vegetation and drainage ways remain undisturbed where feasible.

Director Westbrook stated this CUP does conform with the 2019 Comprehensive Land Development Plan Future Land Use Map adopted in 2019 and identifies this project area as Transitional Industrial, which is consistent with the current zoning and the existing uses in the vicinity of the property. The proposal is considered by staff to be in general conformity with the adopted Comprehensive Land Development Plan.

Director Westbrook stated the Green Growth Toolbox, a planning tool to assist with identifying areas that are more or less appropriate for development, received a Resolution of Support from the Board of Commissioners in 2010. Staff uses the data made available by the toolbox to assess specific properties proposed for development. An assessment map was not enclosed with the written report, but is included in this presentation, and shows the site to be free from concerns other than the watershed and high-quality water designations. A Watershed SNIA permit was issued to allow for 70% built-upon area for this parcel. SNS Engineering states on the plan that the existing built-upon is 11.81% and the proposed is 24.77% for a total of 36.58% built-upon.

Director Westbrook reviewed the following Findings of Fact:

- Will the activity materially endanger the public health or safety? Applicant states "No, it will not be detrimental in any way."
- Will it substantially injure the value of adjoining or abutting property? Applicant states "No, it will not be."
- Will it not be in harmony in the area in which it is to be located? Applicant states "Yes, it will be in harmony and no, it will not impede development or improvement."
- Will it not be in conformity with the Comprehensive Land Development Plan or other plans specifically adopted by the Board? Staff believes the proposal to be in general conformity with adopted plans.

Director Westbrook stated the recommended conditions include the following:

1. Conditional Use Permits (CUPs) run with the land and as such CU-19-01 applies to the entirety of the property reflected in Parcel IDs 20000407. An amendment to the CUP is needed to remove property from the CUP or to make changes to the CUP.
2. The operation of an Indoor Kennel requires compliance fully with the standards of the Town of Aberdeen UDO Section 152-163.26 Kennels, which includes compliance with setbacks.
3. Applicant must satisfy requirements of Article XI, §152-160 Water Supply Watershed Overlay District Regulations.
4. Approval of the Conditional Use Permit is contingent on formal TRC approval of a detailed site plan in full compliance with UDO and all other regulatory requirements.
5. Any and all required permits from other regulatory agencies must be in place as a condition of this approval.
6. Any proposed building structures and/or renovations are to be approved by Town of Aberdeen Building Inspector and shall meet all applicable codes.
7. Building and Fire Inspections are required prior to beginning operation in the new structures; all to be coordinated through Planning and Inspections Department.
8. The Aberdeen Planning and Inspections Department shall be notified of any future proposed changes in use for the property or changes to the site and any required permits, inspections, reviews, or other appropriate actions as determined by the Land Use Administrator shall be obtained.
9. All additional conditions or requirements as provided from the Town of Aberdeen Unified Development Ordinance are enforceable with regards to the operations proposed by CU-19-01.

Director Westbrook stated the Planning Board heard this case on February 21, 2019 and unanimously recommended approval of the project.

Clerk Regina Rosy swore in Jim McSwain.

Jim McSwain stated his thought a while back was to build a high-end pet hotel. Mr. McSwain stated he has over 4,000 customers and he has never advertised. Mr. McSwain stated First Bank has approved the construction of the project which would increase the

number of dogs to be serviced from 75 – 125. Mr. McSwain stated he has never had a complaint of noise or odor and he has passed all inspections.

Commissioner Laney asked about the ingress for the property. Director Westbrook stated there is one ingress/egress for the property, and this type of use for the property does not warrant more than one entry into the property.

With no further discussion, Mayor Farrell closed the public hearing.

(2) Consider Action on Conditional Use Permit #19-01.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin that CU #19-01 is within the jurisdiction of the Board of Commissioners according to the Table of Permissible Uses. Motion unanimously carried 5-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin that CU #19-01 is complete as submitted. Motion unanimously carried 5-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, that CU #19-01 is complete as proposed and will comply with all requirements of the UDO. Motion unanimously carried 5-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, that CU #19-01 satisfies Finding #1: will not endanger the public health or safety. Motion unanimously carried 5-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, that CU #19-01 satisfies Finding #2: will not substantially injure the value of adjoining or abutting property. Motion unanimously carried 5-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, that CU #19-01 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried 5-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, that CU #19-01 satisfies Finding #4: will be in general conformity with the Land Use Plan or other plans adopted by the Board. Motion unanimously carried 5-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, that based on the findings of fact and the evidence presented, the Board of Commissioners recommends approval with conditions of CU #19-01 as specified. Motion unanimously carried 5-0.

- b. Conditional Use Permit CU #19-02 submitted by Southern Pines Gaines & K9 Foundation, LLC for property located at 3140 NC Hwy 5, Suite B-2 to permit a business for "Other Animal Related Services not Elsewhere Defined" in a C-I District.

- (1) Public Hearing for Conditional Use Permit #19-02.

Mayor Farrell opened the public hearing for Conditional Use Permit #19-02.

Commissioner Laney stated she does have property in that area and wants the Board members to be aware of that.

Director Westbrook stated the property is located at 3140 NC Hwy 5 (the former Gulistan Building), and is located in Suite B-2. The applicant is K9 Foundation, LLC and is represented by Lynn Sylvis. The Conditional Use Permit application is for dog training classes. The property currently has two large manufacturing buildings that have been divided for uses by multiple businesses.

Director Westbrook displayed an aerial view of the property, reviewed zoning of adjacent properties, and a vicinity zoning map.

Director Westbrook stated existing site conditions are as follows: access to the property from the north is available by two driveways to NC Hwy 5 and from the east is accessible by W. Saunders Avenue. Director Westbrook stated the property contains significant tree cover which provides a natural screening along the eastern, southern, and western property lines. According to previous applications, there are 350 parking spaces currently available in the existing parking lot to the west of the largest building. On the west



side of the parcel, there is an additional 30,000 square feet building and a separate parking lot that serves The Design Market which provides 47 parking spaces.

Director Westbrook stated the C-I District is established as a district in which the principle use of land is for industries that can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts. The regulations of this district are designed to prohibit the use of land by heavy industry, which should be properly segregated, and to prohibit any other use that would substantially interfere with the development of industrial establishments in the district.

Director Westbrook stated the proposed use is for dog training classes. Director Westbrook stated Suite B-2 is approximately 1,850 square feet of the building.

Director Westbrook stated Ms. Silvis' business model is for classes mainly on weekend evenings and Saturday mornings, with a maximum of eight students at a time. Ms. Silvis also plans to hold private classes.

Director Westbrook displayed a floor plan of the Gulistan building. Director Westbrook stated regarding ingress and egress - there are two driveways off NC 5 Hwy onto PID 00050942 and a third driveway from W. Saunders Ave. NCDOT is reviewing each use proposed for 3140 NC 5 Hwy as submitted. A NCDOT representative expressed that this use will not activate the installation of turn lanes.

Director Westbrook stated regarding parking - the UDO does not specify parking requirements for this use. Using the table in UDO Article XVIII Parking, a studio for dance, martial arts, etc. appears to be a similar use. It requires one parking space per 300 SF of gross floor area, which would require seven parking spaces for 1,850 SF. At this time, it should be noted that most other uses in the building do not involve significant levels of customer traffic. Staff can support a recommendation by the Planning Board to determine that the existing parking availability is sufficient for the various uses on the site, including the proposed use.

Director Westbrook stated the 2019 Comprehensive Land Development Plan Future Land Use Map adopted in 2019 identifies

this project area as Commercial, which is consistent with the current zoning and the existing uses in the vicinity of the property. The proposal is considered by staff to be in general conformity with the adopted Land Development Plan.

Director Westbrook stated the Green Growth Toolbox, a planning tool to assist with identifying areas that are more or less appropriate for development, received a Resolution of Support from the Board of Commissioners in 2010. Staff uses the data made available by the toolbox to assess specific properties proposed for development. An assessment map is available from the mapping data and shows the site to be free from concerns. The "wetlands" shown on the site was a chilling pool previously used when the site housed the manufacturing plant. Staff considers the proposal to be in general conformity with plans adopted by the Board of Commissioners, and has recommended conditions to insure more specific conformity.

Director Westbrook reviewed the Findings of Fact as follows:

1. Will the activity materially endanger public health or safety?  
*Applicant states "Correct, the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare."*
2. Will it substantially injure the value of adjoining or abutting property?  
*Applicant states "Correct, the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted."*
3. Will it not be in harmony in the area in which it is to be located?  
*Applicant states "The establishment of conditional use will be in harmony with the area in which it is to be located and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district."*
4. Will it not be in general conformity with the Comprehensive Land Development Plan or other plans specifically adopted by the Board?  
*Staff believes the proposal to be in general conformity with adopted plans.*

Director Westbrook stated the recommended Conditions include the following:

1. Conditional Use Permits (CUPs) run with the land and as such CU-19-02 applies to the entirety of the property reflected in Parcel ID

00050942. An amendment to the CUP is needed to remove property from the CUP or to make changes to the CUP.

2. Building and Fire Inspections and Town of Aberdeen Business License are to be required prior to beginning operation of the new use in the structure, all to be coordinated through Planning and Inspections Departments.

3. Any proposed building structures and/or renovations are to be approved by Town of Aberdeen Building Inspectors and shall meet all applicable codes.

4. The operation will be required to comply with Town of Aberdeen noise regulations.

5. The Aberdeen Planning & Inspections Department shall be notified of any future proposed changes in use for the property or changes to the site and any required permits, inspections, reviews, or other appropriate actions as determined by the Land Use Administrator shall be obtained.

6. All additional conditions or requirements as provided from the Town of Aberdeen Unified Development Ordinance are enforceable with regards to the operations proposed by CU-19-02.

Director Westbrook stated the Planning Board heard the case on February 21, 2019. The Planning Board unanimously recommended approval of the project to the Board of Commissioners with a vote of 5-0.

Clerk Regina Rosy swore in Lynn Silvis.

Lynn Silvis, owner of the business, stated she has been training here in this area for behavior needs for dogs for a while. Ms. Silvis stated there is an extreme need for this service here in this area since there are not many other options available for pet owners.

Commissioner Byrd asked about class size. Ms. Silvis stated she would serve 6-8 dogs at a time. Ms. Silvis likes to keep big spaces so that when she has big dogs they have space to move around. The main use for this space will be pet obedience. Commissioner Byrd asked how long classes are – Ms. Silvis stated the classes are 1 hour and run from 4-6 weeks.

Mayor Farrell asked about bathroom facilities for the dogs. Ms. Silvis stated there will be a nice grassy strip from the parking area to the entrance to the building and it will be a leashed area only for the

dogs. Mayor Farrell asked who will maintain the grounds. Ms. Silvis stated she will be responsible for the maintenance herself.

Commissioner Byrd asked what type of floor will be used? Ms. Silvis stated the flooring will be quarter inch livestock mat from Tractor Supply because it is easy to clean and easy to sweep.

With no further discussion, Mayor Farrell closed the public hearing.

(2) Consider Action on Conditional Use Permit #19-02.

Commissioner Byrd suggested modifying Condition #2 since it has a typographical error for Business License. A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to approve all motions with the amendment for Condition #2 as amended. Motion unanimously carried 5-0.

c. Discussion of Funding for Construction of Sidewalks along Johnson Street (EB-5869), from Mike's Place to US Hwy 1. (Planning Director Justin Westbrook)

Director Westbrook stated the Town received funding for the sidewalks along Johnson Street. The proposal that received funding was to construct sidewalks on the north end of Johnson Street. There is a 20% match for this funding and that agreement would need approval by the Board. Director Westbrook stated the cost to the Town would be \$46,000 which is already budgeted in the Planning Department's budget for this project. Director Westbrook stated the next step after approval would be to put this project out for bid.

Commissioner Byrd asked how firm the estimate is. Director Westbrook stated his predecessor submitted that estimate. Director Westbrook stated NCDOT is pretty firm on what work can be done before this agreement is signed. Commissioner Byrd stated he is not confident that the estimated price will cover the project, and he wants to know who would be responsible for the overage. Manager Sabiston stated if the cost is higher than expected then the Town will have the option to either move forward or not dependent on cost.

Commissioner Byrd asked if staff has the manpower to do the heavy lifting for the project. Director Westbrook stated he would like to think so.

Commissioner Byrd recommended approval, as long as the Board has one more right of recusal once final prices come in for the project if they come in higher than projected. A motion was made by Commissioner Byrd, seconded by Commissioner Dannelley, to accept the NCDOT proposal with the not to exceed cost to the Town being \$46,000, and the Board having an option to reconsider if the price comes in higher. Commissioner Dannelley stated it would be years before the Town might have this chance to get this sidewalk project completed at a fraction of the cost. Motion unanimously carried 5-0.

- d. Resolution #19-05 Supporting the Naming of the Aberdeen Elementary School Effective Following its New Construction and Consolidation with the Aberdeen Primary School. (Town Manager Paul Sabiston)

Manager Sabiston stated changes suggested at the last meeting were made to Option A, and an Option B is also included for consideration which includes numbers received from the polling that took place from the public survey online.

Commissioner Byrd stated for the 2nd whereas statement from the bottom – he would like a date added in (February 27, 2019), and also add in the latest update on numbers from polling in the last whereas statement. Commissioner Byrd stated he likes the resolution with the survey results included.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to approve Option B with changes as amended, and also omit an “s” from school in the 3<sup>rd</sup> to last whereas for school”s”. Commissioner Dannelley asked when this resolution would be delivered to the Moore County Board of Education? Mayor Farrell suggested middle of the week at the latest, since he does not want it to be too late. Mayor Farrell suggested copies be provided to each of the Board of Education members and also to Dr. Grimesey. Motion unanimously carried 5-0.

## 7. Other Business

Manager Sabiston asked Director Westbrook to put together a detailed schedule for the UDO revisions which he is going to provide to the Board tonight. Director Westbrook displayed a schedule of chapters to be revised from the UDO. The future UDO would be about 10 chapters with subchapters in each. The purpose of the UDO rewrite project is to make it legible and easy to follow, simple. Director Westbrook proposed five stages for this project, based on complexity. Director

Westbrook stated he plans on this being a very transparent process with the opportunity for lots of feedback. Director Westbrook stated he plans to do a July open house for Stages 1-3. And the end goal is to make this a collaborative effort. All drafts will be brought to the Board after the Planning Board has approved them. Commissioner Byrd stated he feels the schedule is aggressive. Commissioner Dannelley asked if Attorney Morphis has been briefed on this schedule and if he feels it is achievable. Director Westbrook stated the plan is to send the project to him once it is complete for his legal review all at once. Mayor Farrell stated he is hopeful this project will be complete in November and he is looking forward to it. Commissioner Byrd asked if the UDO will be electronic once it is complete, and also be searchable. Director Westbrook stated that is not a problem – he can make that happen.

8. Closed Session pursuant to N.C. General Statute 143-318.11(a)(6) to discuss personnel.

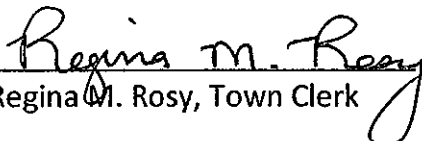
A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to go into Closed Session pursuant to N.C. General Statute 143-318.11(a)(6) to discuss personnel. Motion unanimously carried 5-0.

The Board returned from Closed Session.

Discussion/information was shared with the Board members concerning the pending Board of Education meeting for the naming of the new Aberdeen Elementary School, scheduled for Monday, April 1<sup>st</sup> at the Moore County School Systems office in Carthage. The public comment section takes place at 6:00 p.m. Members were cautioned that the meeting may be changed. The Board of Education would have a special called meeting on Friday, March 29<sup>th</sup> to determine if the naming meeting should remain on schedule or be re-scheduled to another date/time.

9. Adjournment

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin, to adjourn the Board Meeting. Motion unanimously carried 5-0.

  
Regina M. Rosy, Town Clerk

Minutes were completed in  
Draft form on March 25, 2019

  
Robert A. Farrell, Mayor

Minutes were approved  
on April 22, 2019