

Minutes
Work Session
Aberdeen Town Board

August 2, 2012
Thursday, 5:30 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met on Thursday, August 2, 2012 at 5:30 p.m. for their regular Work Session. Board members present were Mayor Elizabeth B. Mofield, Mayor Pro-tem Robbie Farrell and Commissioners Pat Ann McMurray, Alan Parker, and Walter Wright. Commissioner Jim Thomas was not in attendance for the meeting. Staff members in attendance were Town Manager Bill Zell, Town Clerk Regina Rosy, Planning Director Kathy Liles, and Senior Planner Pam Graham. Robert Hanley, Gail Hanley, and Shane Sanders were also in attendance for the meeting.

Mayor Mofield called the Work Session to order at 5:33 p.m.

1. Concern about Adoption of Multi-Family Regulations.

Planning Director Liles stated originally Linda Pope had asked to be placed on the agenda, because she had purchased property here in Aberdeen a few years ago with a goal in mind to construct duplexes on the property. Planning Director Liles stated Ms. Pope was concerned because the property had been rezoned out from beneath them without proper notification. Planning Director Liles stated it was determined this afternoon that legal notice was properly run for this item. Planning Director Liles stated Ms. Pope has hired Attorney Hunter Stovall to represent her in this situation. Planning Director Liles stated Ms. Pope will be turning in an application for a conditional zoning for the property so that she could potentially still construct the duplexes. Planning Director Liles stated the Board will be able to review and make a decision when it comes back before the Board. Planning Director Liles stated the only legal option is to make a rezoning request.

Mayor Mofield asked if the Board is even willing to entertain a request for rezoning, when the regulations have just been recently re-approved. Planning Director Liles stated staff did complete the required notification for the multi-family regulations, but Ms. Pope claims she was not properly notified.

Planning Director Liles stated the Board is not obligated to change the zoning. Mayor Mofield asked if the percentages have changed any regarding multi-family housing versus single-family housing. Manager Zell stated it has changed some, but because the multi-family units were so high, it will take a while for the percentages to

come down a lot. Mayor Pro-tem Farrell confirmed that Ms. Pope can still construct residential homes on her property, and Planning Director Liles, stated yes, Ms. Pope can still construct single-family housing on the property with no problem.

2. Request Relief from Surety for Sandy Springs, Phase 2A, Sections II and III.

Planning Director Liles stated maps were included in the agenda packets for Sandy Springs, Phase 2A, Sections II and III. Planning Director Liles stated these Sections II and III are now almost complete, except for one drainage issue which is being work on. Planning Director Liles stated the question now is what to do about the sidewalks for Phase 2A, Sections II and III, and whether to require surety.

Planning Director Liles stated Shane Sanders, with SNS Engineering, is present and available for questions from the Board. Mayor Mofield stated she definitely wants sidewalks constructed. Planning Director Liles stated the question is whether to require a bond to be placed on the sidewalks. Planning Director Liles stated the issue with installing the sidewalks before construction, is that the sidewalks get damaged during construction, and it would be better for the Town to allow the sidewalks to be constructed as the the lots are developed. Planning Director Liles stated however, it is important for the Town to make sure the sidewalks are continuous throughout the subdivision and completed as required. Planning Director Liles stated the Planning Staff will not issue a Certificate of Occupancy, until after the sidewalk is installed. Planning Director Liles stated however, it does not help with the lots that are not built upon as planned where the sidewalk remains disconnected.

Planning Director Liles stated she and Shane Sanders discussed doing a minor modification to the Conditional Use Permit, and require that the builder post surety for each section as sections are built within the phase, and that would ensure continuous sidewalks within the phase. Planning Director Liles stated this would provide for a certain level of continuity within the subdivision. Planning Director Liles stated this type of setup would not work for every developer in Aberdeen, but for this particular project, this type of setup would work just fine. Mayor Pro-tem Farrell asked who would be posting this surety. Planning Director Liles stated the builder would be the one responsible for posting the surety. Shane Sanders stated D.R. Horton will be the builder for this project.

Mayor Mofield asked about the drainage with this neighborhood and if there is a drainage issue. Planning Director Liles stated the Planning Staff has been working diligently on resolving all drainage issues, and there is one final issue on Lot 60 and then drainage issues will all be resolved. Commissioner Wright questioned if sidewalks

would be required on both sides of the road. Planning Director Liles stated yes, sidewalks would be required on both sides of the road.

Planning Director Liles stated prior to issuance of a Certificate of Occupancy, the sidewalks will have to be installed. A motion was made by Commissioner Wright, seconded by Mayor Pro-tem Farrell, to approve a minor modification to the Conditional Use Permit to require that surety be posted prior to issuance of the building permit for each section of Phase 2A, Sections II and III. Motion unanimously carried.

3. A Resolution Declaring the Intention of the Board of Commissioners of the Town of Aberdeen to Consider the Closing of that portion of an unnamed alley located between Montford St. and Rush St. located to the rear of property owned by Robert and Gail Hanley identified by LRK #49484 and referenced as Lot No. 48 and the eastern half of Lot No. 47 as shown on a map of Park Place made by Francis Deaton, C.E. which map is recorded in Moore County, North Carolina Registry in Map Book 2, Page 7.

Mayor Mofield stated a petition has been received to consider closing a portion of an unnamed alley located to the rear of the property owned by Robert and Gail Hanley. Planning Director Liles stated trash used to be picked up in this alley, which makes the Town responsible for the alley. Planning Director Liles stated the Town would not want to infringe upon its own ability to perform necessary functions, and also not impede anyone else's access to their property by closing the alley.

Planning Director Liles stated the question is does the Board want to consider closing the alley behind 111 Montford Street, or does the Board want to go ahead and close the entire alley. Planning Director Liles stated she would recommend closing the entire alley, and clean the area up. Planning Director Liles stated Town staff does not use the alley for any Town purposes, so the only concern would be if there is an abutting property owner that may use this alley for access.

Mr. Hanley stated he would like to build a fence and enclose the backyard and take that maintenance off of the Town. Ms. Hanley explained the situation of all of her surrounding property owners and how this could benefit everyone.

A motion was made by Commissioner McMurray, seconded by Mayor Pro-tem Farrell, to approve the Resolution Declaring the Intention of the Board of Commissioners of the Town of Aberdeen to Consider Closing 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 as shown on the attached map of Park Place made by Francis Deaton, C.E. which map is recorded in Moore County, North Carolina Registry in Map

Book 2, Page 7. Commissioner Parker wanted to know why the Town would want to close the entire alley, versus just the requested section. Planning Director Liles stated it will allow taxes to be paid on the additional property, it releases the Town from the obligation of maintaining the alley, and it provides additional security for the property owners in that area. Ms. Hanley stated people come through the alley, and it scares her neighbor. Mayor Mofield also pointed out that it would be much cheaper to advertise this alley closing one time, versus up to 10 times by doing it piece by piece. Commissioner Wright asked if each property owner would have to have their property resurveyed. Planning Director Liles stated the property owners would not have to get their property surveyed, they could choose to do so, or the Town could prepare deeds for the additional property. Motion unanimously carried. Commissioner Parker was concerned about property owners not knowing about this before it happens and he would like affected property owners to be personally notified of this prior to the public hearing. Planning Director Liles stated letters will be mailed to each of the affected property owners and she will also have Jae Kim knock on each door of affected property owners and provide personal notification. Agenda Item scheduled for Public Hearing on 9/10/12.

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

Senior Planner Graham stated there is a request for a text amendment to the UDO that would add a new classification for indoor kennels that would require a new definition and some requirements. Senior Planner Graham stated the Planning Board has met and voted to recommend approval of this item. Agenda Item scheduled for Public Hearing on 8/13/12.

5. 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 there is a request from Jim McSwain to allow for an indoor kennel facility. Planning Director Liles stated she would ask that this item not be deliberated at this meeting, since there will be a quasi-judicial public hearing held on 8/13/12. Agenda Item scheduled for Public Hearing on 8/13/12.

6. Conditional Use Permit #12-04 submitted by Emmett Raynor for a Convenience Store with Fuel Sales to be Located on US Highway 1 South on property owned by Joseph Ussery.

Planning Director Liles stated this is the old Public Works facility location, and the property is owned by Joe Ussery. Planning Director Liles stated this item is also to be scheduled for a quasi-judicial public hearing. Mayor Mofield asked if the applicant is

aware of the plans for the bridge, and the likelihood that access will be limited to the convenience store. Planning Director Liles stated yes, the applicant is aware of the plans for the bridge.

Commissioner Wright asked if the land would support the weight of gas tanks. Planning Director Liles stated that question will be addressed during the evaluation of this project. Agenda Item scheduled for Public Hearing on 8/13/12.

7. Set meeting date for the Board of Adjustment to hear a variance request for reduced setbacks for a 50' wide lot on East Oak Street.

Senior Planner Graham stated this condition is common, but the variance request was related only to a single lot. Commissioner Parker asked if the whole lot was only 50' wide. Senior Planner Graham stated yes, and it is not the only lot out there like that. Mayor Mofield stated the property owner could buy two lots, and have a buildable area. Senior Planner Graham stated the property owner and potential buyer were in the Planning Department recently and the gentleman wants to buy the property, but does not want to make the investment until he knows he can utilize the property. Senior Planner Graham stated the setback requirement is 15' on each side, which would leave him with a 20' building envelope. Planning Director Liles stated this item would need to be discussed at the Board of Adjustment meeting, since it will be a quasi-judicial public hearing. The Board scheduled the Board of Adjustment meeting for August 13, 2012 at 5:00 p.m. subject to confirmation that Commissioner Jim Thomas will be able to attend the meeting.

8. Release of Surety for Shepherd's Ridge, Phase 2 and Acceptance of Surety for Shepherd's Ridge, Phase 3.

Planning Director Liles stated Shepherd's Ridge, Phase 1 is complete, and Phase 2 is almost complete. Planning Director Liles stated there was a lot of runoff in Phase 2 this past week, but Staff is working on it, and staff is not quite ready to release surety for Phase 2 yet.

Planning Director Liles stated the developer has a letter of credit posted for \$237,000 in surety to cover drainage, water, sewer, and sidewalks for Phase 2, and also covers water, sewer and roads for Phases 3 & 4.

Mr. Speight has asked for final plat approval for Phase 3 (17 lots), and he wants to post surety for the balance of Phase 3 and Phase 4. Planning Director Liles stated surety is already in place for the roads, water, sewer and drainage. Planning Director Liles stated surety would be needed for the sidewalks and the estimated cost of

completing the sidewalks is \$22,200 and 1.25 times \$22,200 equals \$27,750 which would cover 36 sidewalk installations.

Planning Director Liles stated part of the requirement for the subdivision is to have a landscape buffer along the southern extent of Phases 3 and 4 adjacent to Roseland Road. Planning Director Liles stated due to the dry and hot weather we are currently having, the developer wishes to defer planting the buffer until more favorable weather conditions are in place. Planning Director Liles stated the developer wishes to post a letter of credit for \$12,500 for completion of the landscape buffer.

A motion was made by Commissioner Parker, seconded by Commissioner McMurray, to approve acceptance of surety for Shepherd's Ridge, Phase 3. Motion unanimously carried.

9. Small Business and Entrepreneurial Assistance (SBEA) Grant Agreement.

Planning Director Liles stated the Town has received the signatory documents for the SBEA Grant. Planning Director Liles stated she would like to make the Board aware that the Town is responsible for repaying the grant dollars, if the business owners do not create the jobs as planned. Planning Director Liles stated she has already had the project recipients sign a Job Creation Agreement, and if they do not create the jobs, then they agree to pay the Town back. Planning Director Liles stated this works great if the business has money left, but if the business is bankrupt, then the Job Creation Agreement will not help. The grant funding agreement requires that a Uniformity Commercial Code (UCC) lien has to be signed that pledges the assets that are being purchased with the grant dollars to the Town, so the Town could go back and reclaim the assets being pledged. Planning Director Liles stated she is concerned that if the equipment is taken back and resold, will the same amount be received as paid during purchase. Planning Director Liles stated she feels that this is not really enough protection for the Town. Planning Director Liles stated additional items could be added to the UCC lien, beyond what the NC Department of Commerce requires, such as ask for all equipment and fixtures in the building to be used as the lien. Planning Director Liles stated John Davenport is okay with adding those items to the lien. The Board was in agreement that the additional protection for the Town would be a good thing. Mayor Pro-tem Farrell asked how the Town would know what the inventory is in each of the businesses. Manager Zell stated Jae will follow through on that and make sure the proper inventory is reported. Commissioner Wright stated he would prefer Attorney Morphis to review this UCC lien before it is submitted. Planning Director Liles stated before the grant is closed out, the maximum number of job positions have to be created which would be 17 jobs for John Davenport's business, and 1 job for the business of

Bryon Morris. Planning Director Liles stated the businesses will be given 3 years to reach the maximum number of positions. The Board directed Planning Director Liles to make sure there is enough collateral for the grant dollars.

10. Intent to Submit Community Development Block Grant 2012 Applications.

Planning Director Liles stated it is unknown if the Town will receive the 2011 Broadway Catalyst Grant, therefore it is unknown if we need to move forward with submitting that specific project again. Planning Director Liles stated final award decisions have not been made yet. Planning Director Liles stated she does not feel good about the previous Broadway Catalyst Grant submitted, because no site visit has been requested, and no contact has been received from the Department of Commerce. Planning Director Liles stated UPro is interested in a SBEA grant for 2012, the Town would like to resubmit an infrastructure grant for behind Berkeley on Pee Dee Road, but the difficult part will be the Town can only receive up to \$1.25 million in any one cycle. And if the Town could potentially submit for Catalyst, SBEA, and Infrastructure, then the Town would have to weigh which is most important to receive. Planning Director Liles stated this first public hearing is the generic public hearing to just notify the public of the Town's intent. Agenda Item scheduled for Public Hearing on 8/13/12.

11. Sewer Contract with County of Moore.

Manager Zell stated the 1978 sewer contract for 30 years ran out in 2008. Manager Zell stated the Wagram sewer project came up, but in reality, the sewer will be going to Addor for a long time. Manager Zell stated the cost will continue at \$2.61 per thousand gallons of sewer. Manager Zell stated there is no restriction on the amount of sewer accepted. Agenda Item scheduled for New Business on 8/13/12.

12. Other Business.

a. Holly Street Extension.

Manager Zell stated 804 Holly Street on the map is the Police Department – and the road basically stops there. Manager Zell stated what he would like to do is clear out the overgrown brush and create some additional parking for the Police Department. Manager Zell stated it is a dedicated road, therefore the Town is responsible for the road. The Board had no problem with removing the overgrown brush and creating additional parking space.

b. Conditional Approval of Piggyback on Knuckleboom Truck, pending 10-day advertisement and upset bid process.

Manager Zell stated Rickie has a price of \$109,812 for a knuckleboom truck for Public Works. Manager Zell stated after the ad runs in the paper for 10 days, and if the bid is not upset, then the Town could move forward with the purchase. Manager Zell stated the piggyback is from the Town of Bennettsville. Manager Zell stated he would bring an update to the Board on August 13th. A motion was made by Commissioner Parker, seconded by Commissioner Wright, to conditionally approve the Piggyback on the Knuckleboom Truck, pending a 10-day advertisement and upset bid process. Motion unanimously carried.

c. Municipal Agreement with NCDOT regarding sidewalks on US Highway 1.

Manager Zell stated the DOT will give the Town 80% up to \$80,000 for the sidewalks on US Highway 1, and the new regulations are forcing the Town to pay for engineering, design, compaction testing, etc. Manager Zell stated these additional costs will be \$15,000 - \$17,000. Manager Zell stated the Town had agreed to put in \$20,000 towards the sidewalks, and \$80,000 would be received from DOT. Manager Zell stated the sidewalk will be designed from Bion Butler to Hwy. 15. The \$100,000 will only get to about Mt. Fuji, but the engineering will already be complete, so that will already be complete for whenever the Town can pay for the rest of the sidewalks on US Highway 1. Mayor Mofield requested that all business owners in the last stretch of the road should be notified, so that no trees are planted where sidewalks will go.

Mayor Mofield stated she would like all Aberdeen business owners to be asked to clean the sidewalk/property in front of their businesses. Mayor Mofield stated when she visited South Dakota she was amazed at how clean it was – community pride. Mayor Mofield stated she would like an article to be put in the Bon Accord asking all business owners to take pride in their businesses and the appearance of their business property.

d. Bon Accord.

Manager Zell informed the Board that there have been a couple of complaints about the Bon Accord being in color. After some brief discussion, the Board agreed to keep the Bon Accord in color every other edition.

e. Veteran's Day – Board Meeting currently scheduled.

Manager Zell informed the Board that the Board Meeting scheduled in November is on a holiday for Town employees – Veteran's Day. Manager Zell asked if the Board would like to still meet on that Monday evening, or consider

moving it to Tuesday evening, November 13, 2012. The Board agreed to move the meeting to Tuesday, November 13, 2012.

f. Wells

Commissioner Wright asked about Wells 5 & 9. Manager Zell stated Well 5 is closed, and Well 9 is not over the maximum contaminant level so it is not closed. EPA is waiting for the dollars to put a carbon filter on Well 5. Mayor Mofield stated she thinks some additional consideration should be given to this well, due to the extra attention from EPA, and 225 gallons per minute from the well being produced.

13. Adjournment.

With no further items for discussion or review, a motion was made by Commissioner Wright, seconded by Mayor Pro-tem Farrell to adjourn the Work Session. Motion unanimously carried.

Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on August 2, 2012

Elizabeth B. Mofield, Mayor

Minutes were adopted
August 13, 2012