

Minutes
Work Session
Aberdeen Town Board

November 1, 2012
Thursday, 5:30 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met on Thursday, November 1, 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, Jim Thomas, Alan Parker, and Walter Wright. Staff members in attendance were Town Manager Bill Zell, Town Clerk Regina Rosy, Planning Director Kathy Liles, Community Development Planner Jae Kim, Parks & Recreation Director Leigh Baggs, and Senior Planner Pam Graham. Tim Marcham, Reporter for the Fayetteville Observer Steve DeVane, Chris Dunn, Joe Ussery, and Reporter for the Pilot Tom Embrey were also in attendance for the meeting.

Mayor Mofield called the Work Session to order at 5:30 p.m. Mayor Mofield stated she would like to move a couple of items to the beginning of the meeting to meet schedule of a staff member.

1. Update on 2011 SBEA Community Development Block Grant.

Planner Kim stated Phase II sampling has been completed. Phase I and Phase II reports from Summit Engineering will be received in the next couple of days, and that will complete all conditions for this project.

2. Language Access Plan.

Planner Kim stated the current Language Access Plan expired on 9/30/12 and was originally approved in 2010. Planner Kim stated the only change would be naming him as the Title VI Compliance Officer for the Language Access Plan. A compliance report must be submitted each year with this plan. A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell, to approve the Language Access Plan. Motion unanimously carried.

3. Request for Funding for the 2013 Palustris Goes to Schools Program.

Leigh Baggs introduced Chris Dunn, Executive Director for the Arts Council of Moore County. Mr. Dunn stated the Palustris Festival is going into the 4th year and it's an opportunity to showcase all of the arts in Moore County. The festival is a community-wide event and most events take place in Southern Pines, Pinehurst, and Aberdeen. The dates for 2013 are March 20-24, 2013. 85 events have already been scheduled for the 2013 Palustris Festival. Mr. Dunn stated most of the events are during school hours, so children are not able to attend the events, therefore they are now looking at sending artists into the Moore County Schools and providing some opportunities for children to experience the arts.

Mr. Dunn stated he is asking the Town of Aberdeen to become a sponsor for this event, which would secure funding for the artists to visit Moore County Schools.

Manager Zell stated Parks & Recreation Director Baggs is asking for \$500 additional to cover the expense for this sponsorship, since \$1,000 has already been budgeted in her events budget line item. A motion was made by Commissioner McMurray, seconded by Commissioner Wright, to approve a donation to the Arts Council for the Palustris Goes to School Program. Motion unanimously carried.

4. 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 during Board deliberations surrounding this issue, there were some concerns about this project, and the Board requested that Mr. Ussery attend a Work Session to discuss these concerns. Previous concerns were location of tanks, location of canopy, and mixture of business uses on property.

Commissioner Wright asked where tanks are going to go and if the tanks will be aboveground or underground. Mr. Ussery stated the desire is to place the gasoline storage tanks underground and he pointed out the proposed location of the tanks on the map. Mr. Ussery stated the Ordinance states the pumps can not be in the front the building, therefore the pumps are proposed to be placed on the side of the building. Mr. Ussery stated there is plenty of buffer surrounding this proposed convenience store location from surrounding businesses and the highway.

Mayor Mofield asked how close the tanks are to wetlands. Mr. Ussery stated there is no place where wetlands are within 100 feet of the underground tanks. Mayor Mofield asked Mr. Ussery if he is concerned about all of the construction going on for the bridge having an impact on his potential construction. Commissioner Wright asked what the potential would be for leakage of the gas into the ground. Mr. Ussery stated he will follow the EPA regulations regarding storage of gas.

Commissioner Thomas stated he is concerned about there not being enough of a buffer on the front of the property, which is what people will see first.

Commissioner Wright asked if the tanks have been removed from the old gas station. Mr. Ussery stated yes, Mr. Page had the tanks removed and he has a certificate to show the tanks were removed satisfactorily.

Commissioner McMurray asked where all the sheds will be moved to. Mr. Ussery stated the sheds will be moved to the back of the property.

Mayor Mofield stated this location is the southern entrance into Aberdeen, and if she had her choice, she would not want the entrance into Aberdeen to have a gas station, therefore she would like to know what the building is going to look like. Mayor Mofield

stated she also feels that it will be a bottleneck with traffic in the proposed location. Mr. Ussery stated there will be a turning lane placed in the center of the US Highway 1 which will help with the traffic concern. Mr. Ussery stated the building will be very attractive. Split faced block will be the façade for the building with metal roofing.

Per the request of the Board, Mr. Ussery stated he would be willing to consider doing concrete surfacing on the entire parking lot, rather than part asphalt. Mayor Mofield stated she would like to encourage Mr. Ussery to do a lot of shrubbery, rather than just the minimum required by the UDO. Mr. Ussery stated he will be glad to work with the Board on that, since he would like to encourage people to visit his convenience store and he wants it to be attractive. Mr. Ussery stated he will be glad to work with the Board's recommendation on this project.

Commissioner Wright asked for a status update on where we are with this project. Planning Director Liles stated the public hearing has already been held, and the Board may consider this item for approval tonight, it would be their choice. Planning Director Liles stated burying the tanks could be added to the conditions, and concrete surfacing on the entire parking lot could be added as a condition. Planning Director Liles stated Mr. Ussery could be required to put in additional landscaping on the front of the property since there will not be room for as much on the sides of the property. Mr. Ussery stated he would be glad to let the Town Board have final approval on the landscape plan if so desired by the Town Board. Mayor Mofield directed Mr. Ussery to work directly with Planning Staff on the landscape plan. A motion was made by Commissioner Wright, seconded by Mayor Pro-tem Farrell, to approve the 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 with conditions as presented. Additional conditions include: Final site plan must be submitted and indicate detailed landscaping, underground fuel storage tank locations and sidewalks, and concrete paving shall be provided; any change from concrete paving to asphalt would have to be approved by the Town Board. Senior Planner Graham asked if condition could be added regarding landscaping to say at end of condition 6 – landscaping screenings requirements – where relief is granted, additional plants should be placed in other areas to compensate for landscaping. Motion unanimously carried. Mayor Mofield asked what type of gas will be sold at this store. Mr. Ussery stated it will be Shell.

5. Alley Closure Bounded by Montford, Rush, Poplar and Sycamore Streets.

Planning Director Liles stated legal notices have been run, and a public hearing has been held. Planning Director Liles stated Ryan McBryde prepared a map for the Board's review that will allow a map to be recorded with the alley closing order which will lock this item into the public record. Planning Director Liles stated the residents have asked for the alley to be cleared by the Town one last time, before closure. A rear lot easement has been left for lots 26, 27, and 28. This would allow usage of a private access to the rear of these properties, which would allow Mr. Hall (owner of lot 26) access to the rear of his property.

Commissioner Parker stated he is concerned about Mr. Hall clearing all of the trees in the alley. Commissioner Parker stated he does not understand why the Town is going through this process. Mayor Mofield suggested just closing the area from Sycamore Street up to the right of way, if no one objects. Commissioner Parker pointed out there is a muddy land deed that needs to be cleared up, and this process will clean up the deed. Mayor Mofield suggested several choices for consideration, based on the discussion of the Board. A motion was made by Mayor Pro-tem Farrell, seconded by Commissioner McMurray, to close the unopened street between Sycamore St. to the t-intersection alley with an easement. Commissioner Parker wanted clarification on the easement. Planning Director Liles stated the easement would clear up the gray area. Motion carried 4-1, with Commissioner Parker voting no. Mayor Pro-tem Farrell asked if the Town will clean this area again. Commissioner Wright stated he does not see any issue with that. Planning Director Liles stated she will get Public Works to take care of clearing the alley one last time.

6. Voluntary Contiguous Annexation #48-012 submitted by Kimberly Lucinda Gallimore for property located on the cul-de-sac at 130 Longleaf Circle.
 - a. Accept the Clerk's Certificate of Sufficiency.
 - b. Adopt a resolution calling for Public Hearing on 11/13/12.
 - c. Place this item on the 11/13/12 agenda for Board action under New Business.

Planning Director Liles stated this is another lot in a doughnut hole that needs to be cleared up. Planning Director Liles stated one lot on this cul-de-sac has already been annexed. Planning Director Liles stated there will be a couple more of these coming to the Board. A motion was made by Commissioner Parker, seconded by Commissioner Wright, to accept the Clerk's Certificate of Sufficiency. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to adopt a resolution calling for Public Hearing on 11/13/12 for Voluntary Contiguous Annexation #48-012 submitted by Kimberly Lucinda Gallimore for property located on the cul-de-sac at 130 Longleaf Circle. Motion unanimously carried. Agenda item scheduled for Public Hearing and New Business on 11/13/12.

7. Update on NC Catalyst Grant.

Planning Director Liles stated she recently sent out an update to all Board members regarding the NC Catalyst Grant. When SCAP called the residents of the Broadway Community and asked them to come to a meeting on 10/29/12, the residents did not want to come because of how the Fowlers have been treated by the Town. No residents showed up for the meeting. Planning Director Liles stated there is no time to work through problems with this community and still meet the 11/30/12 application deadline. Planning Director Liles stated the Berkeley Center needs a new roof, and Midway needs some improvements. Planning Director Liles stated this would be a great opportunity to expand

their buildings, add some playground equipment, and get the application submitted for the Berkeley and Midway Communities. SCAP is coordinating with SCC to bring things in such as a computer lab for training purposes, tutoring, daycare, etc. in these community buildings. The Public Hearing would probably need to be held on 11/29/12 at the regular Work Session. Commissioner Wright asked Planning Director Liles to let the Broadway members know of the change in plans.

8. Reduction of Surety for Shepherd's Ridge.

The original plat was approved on 6/23/11, and the Speights posted surety in the amount of \$237,401 in an irrevocable stand-by letter of credit to cover sidewalks in Phase 2-A. All of the roads, drainage, and water and sewer is complete. A \$10,000 bond is posted for landscaping. A \$27,000 bond is posted for the remainder of the sidewalks to be completed. The Speights have asked for the \$237,401 irrevocable stand-by letter of credit to be released. A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve the reduction of surety for Shepherd's Ridge. Motion unanimously carried.

9. Records Retention and Disposition Schedule.

Town Clerk Regina Rosy stated the State Division of Archives issued a new municipal records retention schedule about a month ago and this item needs Board approval. Town Clerk Rosy stated without the approval of this schedule, the Town would not be authorized to destroy any records at all. A motion was made by Commissioner Wright, seconded by Mayor Pro-tem Farrell, to approve the Records Retention and Disposition Schedule. Motion unanimously carried.

10. Citizen's Academy Program Graduation.

Manager Zell stated the CAP program was very successful. There were 12 participants, but only 10 completed the whole program. Manager Zell stated these participants will graduate at the Board Meeting on 11/13/12. Agenda item scheduled for Informal Discussion and Public Comment on 11/13/12

11. Employee of the Year Recognition.

Manager Zell stated Employee of the Year will be recognized at the Board Meeting on 11/13/12 and the Citizen's Academy Program participants voted on who the recipient will be. Agenda item scheduled for Informal Discussion and Public Comment on 11/13/12.

12. Holiday Event for Town Boards.

Planning Director Liles stated the Town is looking at having a holiday event for all Town Boards and staff is trying to coordinate a date that will work best. Board members agreed on 12/3/12.

Commissioner Parker stated he would like to look at combining the Reindeer Fun Run and the Christmas Parade on one day. Senior Planner Graham discussed the pros and cons of combining the event, and stated next year this could be discussed in more detail.

13. Other Business.

- a. Manager Zell stated the Municipal Agreement for the sidewalks has been received. Manager Zell stated the Board would need to approve the agreement, then the DOT Board has to approve the agreement in December, then it comes back to the local DOT engineer. Some time in January, the Town will be able to bid out the sidewalk project. DOT wants sidewalks in, before they plant the trees. \$31,900 would be the total match for the Town to pay to receive \$80,000 from DOT. A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve the \$31,900 expense to finish the sidewalks on US Highway 1. Motion unanimously carried. Mayor Mofield stated she would like there to be two "W"s in the sidewalk before it dries.
- b. Ribbon Cutting at Goody's on 11/7/12 at 8:30 a.m.
- c. Manager Zell stated a meeting was held with Starworks today at the Town Hall. Starworks is looking at Aberdeen, and entrepreneurial opportunities will be explored in Aberdeen.
- d. Planning Director Liles stated Forest City has transferred all ownership of Legacy Lakes to Mountain Real Estate Capital and the bonds in place will need to be replaced due to the change in ownership. Agenda item scheduled for New Business on 11/13/12.

14. 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 November 1, 2012

Elizabeth B. Mofield, Mayor

Minutes were adopted
November 13, 2012