

**TOWN OF VASS
BOARD OF COMMISSIONERS MEETING
PUBLIC HEARING
SEPTEMBER 24, 2018
VASS TOWN HALL
140 SOUTH ALMA STREET
6:00 p.m.**

Minutes

The Board of Commissioners for the Town of Vass held a public hearing on September 24, 2018 for providing explanation and description of the FY 2019 North Carolina Department of Environmental Quality (DEQ) Community Development Block – Infrastructure Grant (CDBG-I) with the Honorable Henry E. Callahan, Mayor, presiding. The following Board Members were present: Matthew Callahan, George Blackwell, Rora Kellis, Kris Kosem and Alphonso Mosley.

Mike Apke of McGill Associates was present to discuss the purpose of the public hearing for the Town's CDBG-I funding application. Mr. Apke stated that the purpose of the public hearing was to obtain citizen's views and to respond to funding proposals and answer any questions posed by citizens. Mr. Apke also stated that the public hearing must cover the Town's community development needs, development of the proposed activities, and a review of program compliance before the submission of the Town's CDBG-I funding application to the state of the North Carolina.

The Town proposes to request funding from NCDEQ'S CDBG-I program for the Sanitary Sewer Service Hookup project. The purposes of the CDBG-I grant program are:

- To improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.
- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For this fiscal year, the CDBG-I funding available is expected to be approximately \$21 million. The maximum available grant is \$2.0 million over a 3-year period. Applications for funding are received until October 31, 2018.

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund two activities: water and sewer infrastructure, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure and economic development activities, including, but not limited to the following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extend public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The Town is seeking an amount in CDBG-I funds not to exceed \$500,000 for the **Sanitary Sewer Service Hookup** project. The purpose of the Town's request is to **connect Low to Moderate Income (LMI) residences to new and existing sewer mains within the Town of Vass.**

The project proposed by the Town of Vass is included in the Town's current Capital Improvement Plan. Numerous community meetings have been held in the project area to inform citizens of the potential project, and get feedback from the residents.

A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The proposed project area includes scattered areas around the Town that will obtain sewer service as part of the project.

The range of activities covered by the CDBG-I funds for the **Sanitary Sewer Service Hookup** includes:

- Construction.
- Environmental Review
- Engineering Design
- Construction Administration and observation.
- Legal activities.
- Surveying.
- Grant Administration.

If the Town of Vass is awarded a CDBG-I grant, the Town is required to adhere to federal procurement requirements and other federal regulations which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen's Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

The State of North Carolina requires that the if the Town of Vass receives CDBG grant funding that the Town will certify that it will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary; however, no displacement and relocation is anticipated to occur as a result of the proposed CDBG grant activity.

The Town has previously applied for and received the following completed CDBG project:

- List Name of Projects: **None**

The Town will submit its CDBG-I application for the **Sanitary Sewer Service Hookup** on October 31, 2018 (Application deadline). The CDBG-I application will be available for review during normal business hours at Town Hall, 140 Alma Street, Vass, NC 28394. Additional information is available from Town Administrator Mabel Walden at (910) 245-4676 or 140 Alma Street, Vass, NC 28394. Should you have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within 10 business days or by October 8, 2018 and a written response to the written complaints and/or grievances will be sent by the Town within 10 business days, where practicable.

The following comments were obtained from the public: None

Mayor Callahan closed the public hearing.


Henry E. Callahan, Mayor


Mabel Walden, Town Administrator/Clerk

**Final Order for Approval
Conditional Use Permit
Town of Vass, North Carolina
Board of Commissioners**

REQUEST:

Janice Baker representing VTG Canine Sports Medical and Rehabilitation Clinic requests a Conditional Use Permit for three parcels of land identified in the Moore County Tax Registry by Parcel ID #00033370 located at 4693 Union Church Road. to allow for operation of an existing building as a veterinary clinic.

The Findings of Fact and Conclusions of Law are to be based on the Official Record in the proceeding that is made up of the official transcripts and any documentary evidence submitted within the course of the proceeding.

FINDINGS OF FACT

The Board of Commissioners of the Town of Vass makes the following findings of fact regarding this request:

1. An application for a Conditional Use Permit for each parcel was filed by Janice Baker representing VTG Canine Sports Medicare and Rehabilitation Clinic on July 9, 2018 with a mailing address of 673 Ginseng Dr., Vass, NC 28394
2. The property was posted and adjoining property owners and the property owner were duly noticed.
3. Parcel ID # 00033370 is owned by Robert Garner whose mailing address is 865 Willowood Ct., Southern Pines, NC.
4. The property is approximately 3.21 acres in size and is split zoned RA and R-2 with the majority of the property zoned RA.
5. The existing building is located in property zoned RA.
6. Veterinary clinics require a Conditional Use Permit in the RA district.
7. The property in question is adjacent to R-2 zoning to the south and RA on the remaining sides.
8. Crane's Creek school is located to the north. Residentially improved properties are located on the remaining three sides. The closest is 193 feet away and across the street. The closest house on the same side of the road is approximately 263' away.
9. Section 12.69 of the Zoning Ordinance requires veterinarian's offices and clinics where animals are kept to be constructed in such a manner as to contain noise within the facility.
10. The existing structure was formerly Mama's Kitchen and was built in 1971 as a wood frame building.
11. The septic system was originally permitted in 1989 and is need of some repairs and tree root removal.
12. Part of the access to parking for the veterinary clinic will be in the R-2 zoning district.
13. The application includes a summary that states that the intended use is to provide a full-service veterinary general practice serving the Vass area.
14. The applicant intends to offer specialty services in surgery and rehabilitation.
15. The building will serve as a base for their mobile clinic.
16. The facility will require inspection by the North Carolina Veterinary Board before operation.

FINDINGS

North Carolina General Statutes and the Zoning Ordinance require the following findings when rendering a decision for a Conditional Use Permit.

1. Does not materially endanger the public health or safety
2. Meets all required conditions and specifications;
3. Would not substantially injure the value of adjoining property or be a public necessity; and
4. Will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.

CONCLUSIONS OF LAW

Based on the above Findings of Fact and subject to the following conditions, the Board of Commissioners has determined the following:

1. Subject to approval by NCDOT for driveway access and the inclusion of off street parking the plan as proposed should not endanger public health or safety. Adequate movement area is available to avoid backing into the street. Inspection of the septic system by Environmental Health will ensure that the necessary repairs to the system are made to protect public health.
2. Veterinarian's clinics do not typically cause the types of noise problems experienced with kennels and this clinic is not expected to have an unacceptable impact on adjoining properties. The building meets required conditions for approval in the Vass Zoning Ordinance. Acceptable ingress and egress are available.
3. This proposed use is not a public necessity. Evidence has not been provided that demonstrates that the value of adjoining property would be affected. The area includes a mix of institutional and residential uses and would not be solely described as a single family neighborhood. Lot sizes are fairly large due to the character of the RA district. The district is one that is identified for agricultural use which includes animals.
4. The following goals are contained in the Town of Vass Land Use Plan.

Goal 1: Continue to improve Vass's commercial appearance.

This use will put a substantially unused building into productive use.

Goal 2: Revitalize the Historical Downtown District.

This goal is not applicable to the project in question.

Goal 3: Encourage varied housing options for current and future residents of Vass.

This goal is not applicable to the project in question.

Goal 4: Adopt enhanced development standards and improved infrastructure and maintenance for future development.

This goal is not applicable to the project in question.

Goal 5: Promote the health, safety, and general welfare of citizens of Vass by providing living conditions in which clean air, water, and minimal noise are priorities.

The conditions as proposed will protect against water contamination and ensure noise containment. Restricting outdoor kennels will reduce noise. There is adequate separation to protect the health, safety and general welfare of the citizens of Vass.

THEREFORE, ON THE BASIS OF THE FOREGOING, IT IS ORDERED THAT THE APPLICATION FOR A CONDITIONAL USE PERMIT BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS.

1. Because of the change in use, a driveway access permit will be requested from NCDOT.
2. RA uses shall not intrude into the remaining property zoned R-2 unless the applicant petitions and receives approval for a rezoning to an allowable district for veterinary use.
3. The change in use will require an inspection by Moore County Inspections and the Fire Marshall.
4. This conditional use permit does not authorize use of the property for an outside kennel. Addition of a kennel will require a modification of the conditional use permit.
5. Use of the septic system will require recertification by Moore County Environmental Health.
6. Prior to future expansion of use within the building, the applicant will contact Moore County Public Utilities regarding future availability of sewer.
7. In the event three verified noise complaints occur within a rolling calendar year, the applicant will install additional noise proofing subject to approval by the town.

Ordered this 29th day of October, 2018.


Henry E. Callahan, Mayor


Mabel A. Walden, Town Clerk