

**ABERDEEN BOARD OF COMMISSIONERS
MINUTES
FEBRUARY 12, 2007 REGULAR MEETING
6:00 P.M.**

The Aberdeen Board of Commissioners met Monday, February 12, 2007 at 6:00 p.m. for their regular Board meeting. Members present were Mayor Elizabeth B. Mofield and Commissioners Pat Ann McMurray, Donna Shannon, Arthur Parker, Robbie Farrell and Walter Wright. Others in attendance were Town Manager Bill Zell, Town Clerk Nancy Matthews, Planning Director Ben Warren, Deputy Planner Patti Jilson, Finance Officer Beth Wentland and Matthew Moriarity, News Reporter for the Pilot Newspaper. Others in attendance were Planning Board members Elise Goodwin and Bill Prevatte. There were approximately twenty citizens also in attendance.

1. Call to Order

Mayor Mofield called the meeting of February 12, 2007 to order. She stated that there were several Public Hearings to be held.

PUBLIC HEARINGS

- a. Public Hearing for voluntary contiguous annexation submitted by Bob Stafford for Pee Dee Commerce Park, Phase 2B, Lot 20 located on Parkway Drive, Aberdeen, N. C.**

Mayor Mofield opened the Public Hearing on voluntary contiguous annexation submitted by Bob Stafford for Pee Dee Commerce Park, Phase 2B, Lot 20 located on Parkway Drive, Aberdeen, N. C. for public comments and Board discussion.

Planning Director Ben Warren stated that the property is contiguous to the Town limits. He stated the final step in the annexation process would be to adopt the ordinance making the effective date of annexation as February 12, 2007.

With no comments from the public or Board discussion, Mayor Mofield declared the Public Hearing on voluntary contiguous annexation submitted by Bob Stafford for Pee Dee Commerce Park closed.

- b. Public Hearing on Rezoning RZ#07-01 submitted by Bruford Hudson for property located at the intersection of US #15-501 and NC Hwy. 211 from I-H Industrial Heavy to C-I Commercial and Industrial (Light).**

Mayor Mofield then opened the Public Hearing on Rezoning RZ#07-01 submitted by Bruford Hudson for property located at the intersection of US #15-501 and NC Hwy. 211 from I-H Industrial Heavy to C-I Commercial and Industrial (Light) for public comments and Board discussion.

Planning Director Warren stated this is a request to rezone from Heavy Industrial to Light Industrial. He stated if you look at the location, compare the uses and consider all the uses, it does make more sense from a planning perspective to have commercial type uses rather than heavy industrial uses in this area. He stated a copy of the table of uses for both districts was placed in the Board's agenda packets for their review.

With no public comment or Board discussion, Mayor Mofield declared the Public Hearing on Rezoning RZ#07-01 closed.

- c. Public Hearing on Application for Conditional Use Permit CU#07-01 submitted by Bruford Hudson for mobile home sales lot located at the intersection of US #15-501 and NC Hwy 211. Note: CUP approval is contingent upon RZ#07-01 being approved.**

Mayor Mofield then opened the Public Hearing on Application for Conditional Use Permit CU#07-01 submitted by Bruford Hudson for mobile home sales lot located at the intersection of US #15-501 and NC Hwy. 211 for public comment and Board discussion.

Planning Director Warren informed the Board that this conditional use application is contingent upon approval of Rezoning RZ#07-01. He stated the Board had concerns of a modular sales office on this lot. He stated it is a matter of interpretation of the ordinance on the definition of modular homes. He stated that a time limitation could be placed on the use of a modular sales office.

Commissioner Parker stated he had talked with Mr. Hudson and Mr. Hudson did not have a problem with putting a time limit of 5 years on the modular sales office.

With no further public comments or Board discussion, Mayor Mofield declared the Public Hearing on Application for Conditional Use Permit CU#07-01 closed.

d. Public Hearing on Rezoning RZ#07-02 requested by J. Arthur Parker for property located on Holly Street from R-10 Residential to B-3 Neighborhood Transitional.

Mayor Mofield then opened the Public Hearing on Rezoning RZ#07-02 requested by J. Arthur Parker for property located on Holly Street from R-10 Residential to B-3 Neighborhood Transitional for public comment and Board discussion.

Planning Director Warren informed the Board in reviewing the table of uses of R-10 and B-3, it is really a subtle transition from residential to residential light/office-type commercial. He stated there currently is a tenant living in the dwelling and if rezoned, it can continue to be used as rental property.

With no public comments or Board discussion, Mayor Mofield declared the Public Hearing on Rezoning RZ#07-02 by J. Arthur Parker for property located on Holly Street from R-10 Residential to B-3 Residential closed.

- e. **Public Hearing on Zoning Code Text Amendment ZA#07-01 submitted by Park at Clearwater II to amend Section 155.043 (C) (6) to add, “except as provided in (C) (10), below” and adding a new (C) (10) to read “(10) The minimum required rear yard may be as little as 5 feet if at the time of initial construction, the rear yard abuts a platted but unopened street at least 50 feet wide”.**

Planning Director Warren stated this situation came about because the developer assumed that the unplatted street would be closed and would provide them an additional 25 ft. enabling them to meet the rear yard required setback of 25 ft. He stated because of certain conditions, including a Town sewer main running down the unopened road and with this being the only access onto this property to the rear, it was not so that they could close this unopened road. He stated the problem is that several of the buildings were built 6 ft. from the property line instead of the required 25 ft. He stated that Attorney Doug McGill, who was present at the meeting, had drafted this particular text amendment.

Planning Director Warren stated there were a couple of remedies to this situation: One, being the text amendment be approved which would address this situation or two, wait until the UDO is completed and address the zoning at that time.

Mr. Doug McGill, representing Park at Clearwater, briefly spoke stating he drafted this text amendment to apply only to this particular situation and this text amendment would only apply to two other properties located in the R-10 District. He stated the developers are trying to sell this property and are under a time restraint. He stated this setback situation was an innocent mistake and asked that the Board consider this zoning code text amendment.

With no further public comments or Board discussion, Mayor Mofield declared the Public Hearing on Zoning Code Text Amendment ZA#07-01 submitted by Park at Clearwater II to amend Section 155.043 (C)(6) closed.

2. **Setting of the Agenda**

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to approve the Setting of the Agenda as presented. Motion unanimously carried.

3. **Approval of 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. Minutes of Regular Board meeting of January 8, 2007; Regular Work Session of January 30, 2007.

A motion was made by Commissioner Parker, seconded by Commissioner Shannon, to approve the Consent Agenda as presented. Motion unanimously carried.

4. **Informal Discussion and Public Comment**

- a. Mayor Mofield stated on Sunday, February 11th, the Walter Hines Page Book Club held a reception at the Page Memorial United Methodist Church to celebrate the 100th birthday of the Page Memorial Library. She stated the Town of Aberdeen presented to the Book Club a Proclamation proclaiming February 11th as Page Memorial Library Day. She stated Page Memorial Library is the second oldest continuously operating library in the State of N. C.
- b. Manager Zell informed the Board that the Town is in the process of lowering the water in the lake to begin with repairs to the dam.
- c. Manager Zell informed the Board that he should be receiving the architectural drawings for the lake park building in the next few days. He stated that bids are to go out around the 1st of March and hopefully, we should have these bids back sometime in April.
- d. Manager Zell informed the Board that the playground equipment at Sharpe Park has been repainted. He stated that the prisoners from

Morrison Correctional Institution were used to do the painting and clean up the park area.

- e. Manager Zell stated the shelter for the Berkley Park should be here soon. He stated the shelter area has been staked out and we are just waiting for the shelter package to arrive.

5. Finance

a. Financial Report.

Finance Officer Beth Wentland gave the financial report representing January, 2007. She stated in the General Fund, the total revenues came in higher than the total expenses by \$202,240.30. She stated with a net gain for the month, this brings the year-to-date financial condition in the General Fund to an overall net gain of \$426,029.09.

Mrs. Wentland stated in the Water/Sewer Fund with no bi-monthly billing, the January revenues came in low at \$22,720.56. She stated the expenses were higher than revenues by \$80,068.87, bringing the year-to-date financial condition in the Water/Sewer fund to overall net gain of \$214,314.64.

b. Approval of proposed budget amendments.

Mrs. Wentland informed the Board that she needed to make some revisions for things that have occurred which has caused some accounting issues that need to be amended:

- (1) BA#07-04 - To amend original estimated figures for the debt service payment of 4 new police vehicles.
- (2) BA#07-05 -To appropriate in the budget for state grant money received to be used for the purchase of safety equipment for the Police Department.
- (3) BA#07-06 - To appropriate in the budget for the insurance proceeds received as a result of a police officer's injuries sustained while on duty.
- (4) BA#07-07 - To appropriate in the budget for the insurance proceeds as a result of damage to two (2) police vehicles.

- (5) BA#07-08 - To appropriate in the budget for the expenses incurred as a result of extensive water damage in numerous areas of the Town Hall.
- (6) BA#07-09 - To appropriate in the budget for expenses associated with the hiring of six (6) new firefighters and for the grant money to be received.
- (7) BA#07-10 - To include in the budget sewer expense and sewer revenue pertaining to the future Hampton Inn development.
- (8) BA#07-11 - To appropriate in the budget for the Town's local commitment amount to the CDBG project for the Midway Community.

With no discussion or questions, a motion was made by Commissioner Wright, seconded by Commissioner Parker, to approve Budget Amendments BA#07-04, BA#07-05, BA#07-06, BA#07-07, BA#07-08, BA#07-09, BA#07-10 and BA#07-11 as presented. Motion unanimously carried.

c. Approval of Project Budget Ordinance/2006 CDBG Infrastructure Project.

Mrs. Wentland then stated the Board would need to consider the budget ordinance for the Berkley Infrastructure Project. She stated she would have her first requisition of CDBG money pending receipt by the end of the week. She stated this ordinance would authorize her to handle the CDBG money for this infrastructure project.

A motion was made by Commissioner McMurray, seconded by Commissioner Wright, to approve Project Budget Ordinance/2006 Berkley CDBG Infrastructure Project for the Keyser Street Homes. Motion unanimously carried.

6. Old Business

- a. **Consideration of approval of an agreement between Mr. Charles Zuhone as Curator of the Union Station Depot Museum and the Town of Aberdeen.**

A motion was made by Commissioner Shannon, seconded by Commissioner Wright, to approve an agreement between Mr. Charles Zuhone as Curator of the Union Station Depot Museum and the Town of Aberdeen. Motion unanimously carried.

There was a question pertaining to the Aberdeen Museum artifacts and if Mr. Zuhone had completed the inventory. Manager Zell stated that Mr. Zuhone is currently working on this inventory. He stated that the inventory is part of the agreement and Mr. Zuhone is to have this by the end of the week.

7. New Business

- a. **Consideration of approval of Amendment GP#07-01 submitted by Planning Staff to amend Section 10.18A of the Town of Aberdeen Code of Ordinances to add minimum housing to the list of enforcement ordinances within the ETJ.**

Planning Director Warren stated that the staff has done a tremendous job in enforcing the nuisance and minimum housing codes within the Town limits. He stated the way the ordinance currently states, the staff does not have the authority to enforce this in the ETJ. He asked the Board to consider this request.

A motion was made by Commissioner Wright, seconded by Commissioner Shannon, to approve Amendment GP#07-01 submitted by the Planning Staff to amend Section 10.18A of the Town of Aberdeen Code of Ordinances to add minimum housing to the list of enforcement ordinances within the ETJ. Motion unanimously carried.

b. Consideration of approval of amendments to the Fee Schedule.

Planning Director Warren stated this has come about due to the time constraints that the commercial inspections are having on the building inspector. He stated the staff would like to separate the residential and commercial. He recommended keeping and maintaining the current fee for residential but to increase fees for commercial. He stated residential inspections average thirty minutes where commercial can take up to a half day or longer. He stated the staff has looked at other jurisdictions and this increase would be comparable.

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to approve the amendments to the Fee Schedule. Motion unanimously carried.

c. Consideration of nomination of ETJ member for the Town of Aberdeen Planning Board.

Planning Director Warren stated an ETJ member was needed due to the expired term of Mr. Ray Bosworth. He stated that Mr. Broadus Combs has agreed to serve on the Planning Board.

A motion was then made by Commissioner Parker, seconded by Commissioner Farrell, to nominate and recommend to the Moore County Board of Commissioners to appoint Mr. Broadus Combs to serve as an ETJ member of the Aberdeen Planning Board to serve a three-year term. Motion unanimously carried.

The Board had some concerns of one person serving on both the Board of Adjustment and the Planning Board. They felt this would be a conflict of interest. They then directed the Planning staff to further research this issue.

Planning Director Warren informed the Board that he would send a letter to the Moore County Board of Commissioners of their recommendation to appoint Mr. Combs to serve as an ETJ member on the Aberdeen Planning Board.

d. Consideration of approval of Site Plan Review SP#07-01 as submitted by the First Baptist Church of Aberdeen, N. C.

Planning Director Warren stated that the First Baptist Church was constructing a 97 x 60 ft. educational building in conjunction with the existing building. He stated the engineers went back and redrew the site plan and by re-working this project, they have decreased the impervious surface and added two retention basins to help catch the storm water running on to Poplar Street. He stated the parking and landscaping well exceed the requirements as set out in the ordinance.

A motion was made by Commissioner Parker, seconded by Commissioner Farrell, to approve Site Plan Review SP#07-01 as submitted by the First Baptist Church of Aberdeen, N. C. Motion unanimously carried.

e. Consideration to adopt an Ordinance to extend the corporate limits of the Town of Aberdeen for voluntary contiguous annexation as petitioned by Bob Stafford for Pee Dee Commerce Park, Phase 2B, Lot 20 located on Parkway Drive, Aberdeen, N. C. to be effective February 12, 2007.

A motion was made by Commissioner Parker, seconded by Commissioner McMurray, to adopt an Ordinance to extend the corporate limits of the Town of Aberdeen for voluntary contiguous annexation as petitioned by Bob Stafford for Pee Dee Commerce Park, Phase 2B, Lot 20, located on Parkway Drive, Aberdeen, N. C. to be effective February 12, 2007. Motion unanimously carried.

f. Consideration of appointments to the Town of Aberdeen Appearance and Beautification Commission.

Planning Director Warren stated, at the request of the Board that the Planning staff had done some research as to reinstating this commission. He stated there were several projects that would be best handled through an Appearance and Beautification Commission. He stated the staff has gone back as far as to when the commission was active and could not find anything in the Town Board minutes where the commission was dissolved. He stated in order to move forward and get this commission up and going, the Board would have

to resurrect this commission by appointing seven members to serve with staggered terms.

Planning Director Warren informed the Board that he has seven citizens who have graciously agreed to serve on this commission. He stated the seven are: Elease Goodwin, Gail Clay, Wayne Clay, Carolyn Warlick, Owen Gallagher, Jim Thomas and Dale Streicker. He stated that the Town Code of Ordinances require staggered terms to be set by the Board.

The consensus of the Board was to appoint the members and let the commission meet, set their terms, and then bring this back to the Town Board for approval.

A motion was made by Commissioner McMurray, seconded by Commissioner Farrell, to make the appointments to the Town of Aberdeen Appearance and Beautification Commission: Elease Goodwin, Wayne Clay, Gail Clay, Owen Gallagher, Dale Streicker, Carolyn Warlick and Jim Thomas with terms to be set at the next Board meeting. Motion unanimously carried.

8. Other Business

There was no *Other Business* to be reviewed or discussed.

9. Adjourn

With no further business, motion was made by Commissioner Parker, seconded by Commissioner Farrell, to adjourn the meeting. Motion unanimously carried.

Nancy M. Matthews, Town Clerk

Elizabeth B. Mofield, Mayor

This draft prepared and completed
February 15, 2007

The minutes adopted
March 12, 2007

