

**MINUTES
WORK SESSION
JANUARY 31, 2006**

The Aberdeen Board of Commissioners met Tuesday, January 31, 2006 at 5:30 p.m. for their regular Work Session. Members present were Mayor Elizabeth Mofield and Commissioners Pat Ann McMurray, Robbie Farrell, Donna Shannon and Walter Wright. Commissioner Arthur Parker was absent from the Work Session. Others in attendance were Town Manager Bill Zell, Planning Director Giles Hopkins, Deputy Planning Director Ben Warren, Town Clerk Nancy Matthews, Matthew Moriarity, Reporter for the Pilot and Evan McMorris, Reporter for the Moore County Independent Newspaper. Mr. Jarrett Deerwerster, President of Stover Homes of NC, was in attendance. There were also approximately ten people in attendance most of which were in support of The Skaters of Moore.

Mayor Mofield called the Work Session to order. She stated there were several items for discussion. She stated an item needed to be added as 9a – Other Business: Amendment to the Town of Aberdeen Code of Ordinances.

A motion was made by Commissioner McMurray, seconded by Commissioner Wright, to approve the amendment to the Agenda. Motion unanimously carried.

1. Public Hearing on CDBG Project for water and sewer for Anderson Street connecting with O'Connor Business Park. This is in conjunction with Corneal Science locating to O'Connor Business Park.

Manager Zell informed the Board that last month, the Board held a “generic” Public Hearing. He stated this would be the second Public Hearing and it has to be for a specific project. He stated that Corneal Science is having a building built and is going to be moving into the O'Connor Business Park. He stated, on Anderson Street where Polythin is located, the Town has a small lift pump going towards Intek. He stated this project would be partly funded with a CDBG grant. He stated he had previously met with the Department of Commerce, The Rural Center, Hobbs, Upchurch and Associates, and Dr. Allen Touch, who is the President and CEO of Corneal Science. He stated they are working on a grant to get this sewer line installed. He stated this would allow connections by Fastenal and Corneal Science to the Towns sewer system, as well as opening up for development in the Clearwater area. **Agenda item as Public Hearing.**

2. Application for Amendment to Conditional Use Permit CU#05-08 a previously approved Residential Planned Development located on the east side of Saunders Boulevard known as Lighthouse Trace.

Planning Director Giles Hopkins stated this property is currently “vacant” and contains approximately 9.9 acres. He stated the Conditional Use Permit CU#05-08 was granted for this location on November 14, 2005. He stated in view of the fact that the state does not issue a Storm Water Plan or approve one at this location, it will be necessary to amend the Conditional Use Permit CU#05-08 by deleting that requirement from the conditions of the permit. He stated the staff recommends that the use of a NC registered engineer be required to develop a storm water plan that meets the requirements as shown in the letter from Land Design. He stated he already has a certified engineering study in hand and encouraged the Board to go ahead and approve this item in order for the developers to be able to move forward.

Mr. Jarrett Deerwester, President of Stover Homes of NC, was in attendance and stated he had received earlier in the day the engineering plans and storm water calculations approval and permit from the state.

After further discussion, a motion was then made by Commissioner McMurray to approve findings of fact:

- A. That 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;
- B. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values within the neighborhood;
- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood;

- E. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- G. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Board of Commissioners, pursuant to the recommendation of the Planning Board.

And to approve the amendment to Application to Conditional Use Permit CU#05-08 with the additional conditions: (1) No building permits are to be issued until all required permits are secured/approved, which shall include a storm water plan development by and sealed by a N. C. Registered Engineer; (2) Curbs and gutters or as the situation will allow; (3) Approval of the units layout and other related plans attached to the latest version of the application(s). Seconded by Commissioner Shannon. Motion unanimously carried.

3. Application for Conditional Use Permit CU#05-14 submitted by Ben Himsel for an automobile sales lot to be located on the west side of US 1 Hwy. at the corner of NC 5 Highway.

Planning Director Giles Hopkins stated the Public Hearing was held January 9th and the application has been reviewed by the Planning Board. He stated the Planning Board unanimously recommends approval of CU#05-14 to the Town Board. He stated this application will be on the February 13th agenda for action. He also stated the Planning Board did not stipulate the limit of vehicles but in previous dealerships, there have been as many as thirty-five vehicles. Agenda item as New Business.

4. Application for Conditional Use Permit CU#05-15 submitted by David Polny for an automotive restoration facility to be located at 707 South Pinehurst Street.

Planning Director Giles Hopkins stated the Planning Board has reviewed and recommends approved and to add the additional condition: That outside storage will not be allowed. Agenda item as New Business.

5. Zoning Code Text Amendment ZA#05-07 to add to Section 155.049 I-H Industrial District (Heavy) as a Conditional Use, “Cultural, Entertainment and Recreation Not Elsewhere Classified” or “Indoor Skateboarding/Rollerblade-type Activities.”

Mayor Mofield stated there were two considerations to be made: (1) Cultural, Entertainment and Recreation not elsewhere classified or (2) indoor skateboarding/rollerblade-type activities.

Mr. Hopkins stated the second is the recommendation from the Planning Board with a vote of four to three. He stated this item will need to be placed on the February 13th agenda for consideration.

Mr. Hopkins stated if the Board considers to limit the term of the permit for this activity, it could add additional conditions such as the permit expires at the end of a designated period, not less than six months from the date of issuance of the permit, after which time the use must cease, unless the permit is extended for any additional period authorized by the Board. He stated if this amendment is approved, then anyone who wants to use this in any I-H District, they will have to apply for a conditional use permit and go through the normal process. **Agenda item as New Business.**

6. Bid approval for Elevated Tank #5 located on 15-501 Highway.

Manager Zell informed the Board that bids were received on January 17th at which time they were opened and read. He stated two bids were received ranging from a low of \$701,000.00 to a high of \$720,822.00. He stated the low bid was submitted by Caldwell Tanks, Inc. of Louisville, KY.

Manager Zell informed the Board that Hobbs, Upchurch & Associates, P.A. reviewed the bids and their recommendation based on their previous experience on other similar projects, is to award the contract to Caldwell Tanks, Inc. for the total contract bid amount of \$701,000.00. **Agenda item as New Business.**

7. Aberdeen Lake dredging project.

Manager Zell informed the Board that Mr. Johnny Foster of Foster Lake & Pond Management Group from Garner, N. C., visited Aberdeen Lake Park twice to review the conditions of the weeds and lakes. He stated their recommendation was to drain the lake in order for them to accurately access the situation and determine the amount of cubic yards of mulch that need to be removed. He stated that Foster Management will remove approximately 1,800 cubic yards of sediment from the curve to the gazebo. Also, they will remove the sediment, clean it and deposit it onto the existing shore, blending into the contour of the shoreline. In addition, turf reinforcement matting will be placed over seed and fertilizer, which will protect the edge of the lake from wind and water erosion.

Manager Zell stated in order to remove the sediment from the gazebo to the boat house in order to blend into the shoreline and install the turf matting with seed and fertilizer, will be an additional cost of \$3,000.00, bringing a total cost of the project at \$15,000.00. He stated the project will take five (5) days to complete, weather permitting.

Manager Zell also stated this company could also install the fountains. He asked Leigh Baggs, Parks & Recreation Director, to bring some picture samples for the Board to review. **Agenda item as New Business.**

8. Incentive contract with Corneal Science re: Moving expense.

Manager Zell informed the Board that an agreement has been drawn up pertaining to the financial aid to be given to Corneal Science Corporation for relocating to Aberdeen. He stated he sent the contract to the Town attorney for review.

Manager Zell stated the only issue that the Town attorney had was Item 5a and Item 12. He stated that Item 5a pertains to pro-rating and Item 12 is more beneficial to the Town. He stated the Town attorney recommends deleting 5a and leaving Item 12. Manager Zell is to get the contract corrected and item will be placed on the February 13th agenda for the Board's consideration. **Agenda item as New Business.**

9. Other Business

- a. **Amendment GP#06-01 to the Town of Aberdeen Code of Ordinances, Chapter 71: Parking Regulations of the Town of Aberdeen.**

Planning Director Giles Hopkins stated that in the past, the Town was having problems with tractor-trailer rigs being parked on streets. He stated by adding dump trucks, recreational vehicles, or other commercial vehicles to the Code of Ordinances this would allow better enforcement of these vehicles.

The Board wanted to add to this ordinance “on any Town street or Town right-of-way.” **Agenda item as New Business.**

- b. Manager Zell informed the Board on the progress of the Redevelopment Zone project pertaining to the Berkley area. He stated there is another cycle coming up at the end of this year and he will be meeting with Ron Nyland and will bring this information back to the Board.
- c. Manager Zell informed the Board that the PARTF Grant was delivered to the state. He stated he will be a meeting with a gentleman who helps governmental entities find alternative ways to help in funding projects.
- d. The Board received a copy of amendments to the Personnel Policy, a proposed Communications Policy and a copy of the Safety Book. He asked that the Board begin reviewing these so that they can be adopted as soon as possible.

10. Adjourn

With no further items of business or discussion, a motion was made by Commissioner Wright, seconded by Commissioner Farrell, to adjourn the Work Session. Motion unanimously carried.

Nancy M. Matthews, Town Clerk

Elizabeth B. Mofield, Mayor

