

**ABERDEEN BOARD OF COMMISSIONERS  
MINUTES  
OF  
NOVEMBER 13, 2006 REGULAR BOARD MEETING  
7:00 P.M**

The Aberdeen Board of Commissioners met Monday, November 13, 2006 at 7:00 p.m. for their regular Board meeting. Members present were Mayor Elizabeth 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 Giles Hopkins, Deputy Planning Director Ben Warren, Finance Officer Beth Wentland, Pilot Reporter Matt Moriarity and Mary Griffin, Reporter for the Moore County Independent Newspaper. There were also approximately fifteen people in attendance.

**1. Call to Order**

Mayor Mofield welcomed all those in attendance. She stated there were five Pubic Hearings to be held.

**PUBLIC HEARINGS**

**a. 2<sup>nd</sup> Public Hearing for the Berkley Community Revitalization Grant.**

Mayor Mofield opened the 2<sup>nd</sup> Public Hearing for the Berkley Community Revitalization Grant for public comments and Board discussion.

Manager Zell stated the grant is in the 900 block of Keyser Street. He stated this grant will help to develop and install water/sewer infrastructure and streets in this area. He stated that Habitat will build seven to ten houses. He stated the grant is for \$126,000.00. He stated this is a dead-end street and will not be opened onto Hwy. 211.

With no further comments, Mayor Mofield declared the Public Hearing for the Berkley Community Revitalization Grant closed.

**b. Public Hearing on voluntary contiguous annexation requested by William and Edna Williams for property located at 811 Magnolia Drive, Aberdeen, N. C.**

Mayor Mofield opened the Public Hearing on voluntary contiguous annexation requested by William and Edna Williams for property located at 811 Magnolia Drive, Aberdeen, N. C. for public comments and Board discussion.

With no public comments or Board discussion, Mayor Mofield declared the Public Hearing on voluntary contiguous annexation requested by William and Edna Williams closed.

**c. Public Hearing on voluntary contiguous annexation requested by Kenneth and Deborah Howell for property located at 10327 Hwy. 211, Aberdeen, N. C.**

Mayor Mofield then opened the Public Hearing on voluntary contiguous annexation requested by Kenneth and Deborah Howell for property located at 10327 Hwy. 211, Aberdeen, N. C. for public comments and Board discussion.

With no public comments or Board discussion, Mayor Mofield declared the Public Hearing on voluntary contiguous annexation requested by Kenneth and Deborah Howell closed.

**d. Public Hearing on Proposed Zoning Code Text Amendment ZA#06-04 regarding the outdoor advertising signs (billboards) currently existing within the Town of Aberdeen, N. C.**

Planning Director Giles Hopkins stated that at the request of the Board, he had provided them with a map and chart showing where the eighteen existing billboards are situated. He stated these billboards were primarily located along US#1 and 15/501. He stated following the Public Hearing, the item will go to the Planning Board for their review and recommendation back to the Town Board. Mr. Hopkins stated the staff is still not in favor of this amendment.

Mr. Lloyd Johnson, Real Estate Manager for Lamar Advertising, briefly spoke stating this company is asking for this

amendment and would like to be able to make changes in their existing structures. He then distributed to the Board pictures of what the new billboards would look like. He stated he would like to raise the height to fifty feet, if possible. He also stated the existing billboards would go with a new single steel pole.

Mr. Bob Bates, General Manager for Lamar, briefly spoke stating that the new digital billboard can be used for Amber Alerts and area emergencies.

With no further comments, Mayor Mofield declared the Public Hearing on Proposed Zoning Code Text Amendment ZA#04-06 closed.

**e. Public Hearing on Proposed Zoning Code Text Amendment ZA#06-05 concerning Continuation of Non-Conforming Uses.**

Mayor Mofield then opened the Public Hearing on Proposed Zoning Code Text Amendment ZA#06-05 concerning Continuation of Non-Conforming Uses.

Planning Director Hopkins stated this proposed amendment would apply only in the B-1 districts. He stated right now in the B-1 district a residential situation can only occur on a ground floor if it was in existence prior to the current zoning regulations. He stated if the residential use on the ground floor ceased for more than 180 days, this use may not return. He also stated the only people affected in this situation would be the property owners who are requesting this change.

Mrs. Sara Ahmad, property owner, stated she would like to convert this building into another living unit. She said this detached building does not affect any property owner adjacent or behind her property.

With no further public comments or Board discussion, Mayor Mofield declared the Public Hearing on Proposed Zoning Code Text Amendment ZA#06-05 closed.

## **2. Setting of the Agenda**

With no additions, deletions or changes, a motion was made by Commissioner Parker, seconded by Commissioner Farrell, to approve the Setting of the Agenda as presented. Motion unanimously carried.

## **3. Approval of the Consent Agenda**

- a. Minutes of Regular Board meeting of October 9, 2006; Continued Meeting of October 12, 2006; Closed Session of October 25, 2006; Work Session of November 2, 2006.**

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

## **4. Informal Discussion and Public Comment**

- a. Ms. Mary Jo Nagy of Aberdeen spoke to the Board concerning the fluoride that is added to the Town's drinking water. She read a statement to the Board concerning the fluoride content in some foods and beverages. She distributed to the Board packets containing material showing new evidence on fluoridation and the damage it does to the body when ingesting high levels of fluoride. She then asked the Board to take this material and to please read it. She asked that the Town discontinue the fluoride treatment in the Town's drinking water.

The Board requested that Manager Zell discuss this issue with Public Works Director, Rickie Monroe, and research to see how many municipalities in the area had discontinued the fluoride treatment in their water supply.

- b. Manager Zell informed the Board that the CAP Program is going well. He stated there are only two more sessions left. He stated he enjoyed the article about the CAP Program that was in the local newspaper.

- c. Manager Zell informed the Board of rescheduling the November 30<sup>th</sup> Work Session to Tuesday, November 28<sup>th</sup>. He stated this is due to a Chamber of Commerce Elected Officials Reception at the National Golf Club in Pinehurst that is scheduled on the 30<sup>th</sup>.
- d. Manager Zell informed the Board that he and Commissioners Shannon and McMurray would be attending the Summit meeting on Wednesday at Pine Needles in Southern Pines.
- e. Manager Zell informed the Board that Leigh Baggs would be meeting with the Page Book Club and Planning Committee this Thursday to coordinate activities for the Page Library 100<sup>th</sup> Year Celebration. He stated that the Parks and Recreation Department is planning activities for children and families. He stated the ceremony, with the history of the library, members of the Page family being present, and a Tea served at the Methodist Church, are part of the events. He stated as plans progress, he will keep the Board informed.

## **5. Financial Report**

Beth Wentland, Finance Officer, briefly reported to the Board pertaining to the financial status as of the end of October. She stated in the General Fund, the month ended with a net gain of \$37,900.23 with a year-to-date net gain of \$485,935.83.

In the Water/Sewer Fund, Mrs. Wentland then reviewed with the Board the breakdown of the revenues and expenses for October. She stated the Water/Sewer Fund ended the month with a net loss of \$151,649.51, and with a year-to-date net loss of \$173,248.24.

Mrs. Wentland informed the Board that the audit is in the process of being reviewed before submitting to the LGC. She stated, hopefully, the Board will receive their copy in January.

## 6. Old Business

- a. **Consideration of adoption of An Ordinance To Extend The Corporate Limits Of The Town Of Aberdeen AC#06-01 as petitioned by William and Edna Williams for voluntary contiguous annexation with effective date of annexation as December 1, 2006.**

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to adopt An Ordinance To Extend The Corporate Limits Of The Town Of Aberdeen AC#06-01 as petitioned by William and Edna Williams for voluntary contiguous annexation with effective date of annexation as December 1, 2006. Motion unanimously carried.

- b. **Consideration of adoption of An Ordinance To Extend The Corporate Limits Of The Town Of Aberdeen AC#06-02 as petitioned by Kenneth and Deborah Howell for voluntary contiguous annexation with effective date of annexation as December 1, 2006.**

A motion was made by Commissioner Parker, seconded by Commissioner Shannon, to adopt An Ordinance To Extend The Corporate Limits Of The Town Of Aberdeen AC#06-02 as petitioned by Kenneth and Deborah Howell for voluntary contiguous annexation with effective date of annexation as December 1, 2006. Motion unanimously carried.

## 7. New Business

- a. **Consideration of approval of application for Conditional Use Permit CU#06-02 and Site Plan Review SP#06-07 submitted by Verizon Wireless for a co-location antenna on an existing tower.**

A motion was made by Commissioner Shannon, seconded by Commissioner McMurray, that the Application for Conditional Use Permit CU#06-02 be approved with the following Findings of Fact:

1. That all parties were duly noticed.

2. That Verizon Wireless, the applicant, proposed to co-locate a telecommunications antenna structure on LRK#56608.
3. That the application for the wireless telecommunications antenna was accepted on September 22, 2006 by the Town of Aberdeen Planning Department.
4. That Verizon Wireless plans to lease a particular piece of property owned by the Town of Aberdeen, upon which the proposed telecommunications antenna and equipment pad will be situated.
5. That the proposed site details are as follows: Zoning-HC Highway Commercial; Acreage: .37 acres; Watershed: WS-II District; Floodplain: No; Historical Use: Commercial Land.
6. That a wireless telecommunications antenna co-location requires a conditional use permit in the HC Highway Commercial Zoning District.
7. Upon a motion to approve the conditional use permit, the Town of Aberdeen Planning Board voted unanimously to approve the conditional use permit application and forwarded such recommendation to the Board of Commissioners.
8. That the establishment, maintenance or operation of the telecommunications antenna will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare.
9. That the telecommunications antenna 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.
10. That the establishment of the telecommunications antenna will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the HC Highway Commercial Zoning District.

11. That the exterior architectural appeal and function plan of the proposed co-location antenna 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.
12. That adequate utilities, access roads, drainage and necessary facilities have been provided, as show on the accompanying Site Plan SP#06-07.
13. That adequate measures have been taken to provide ingress and egress so designed to minimize traffic congestion in the public streets.
14. That the conditional use shall, in all other respects, conform to the applicable regulations of the HC Highway Commercial District in which it is located, except as such regulations may be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board.

#### Conclusions of law

1. That the Town of Aberdeen Board of Commissioners has jurisdiction over the persons and subject matter in this action and that the parties are properly before this Board.
2. That the applicant, Verizon Wireless, satisfied all of the requisite standards pursuant to the Town of Aberdeen Zoning Ordinance.
3. That sufficient evidence was presented by Verizon Wireless to satisfy the requirements of the Town of Aberdeen Zoning Ordinance.

It is therefore ordered, adjudged and decreed:

1. That the applicant satisfied all of the requisite standards pursuant to the Town of Aberdeen Zoning Ordinance.

2. Based upon the evidence submitted and the above findings of fact, the Application for Conditional Use Permit CU#06-02 for the co-location of a wireless telecommunications antenna on an existing Town of Aberdeen water tank by Verizon Wireless is approved;

And also approve Site Plan Review SP#06-07 as submitted by Verizon Wireless for a co-location antenna on an existing tower. Motion unanimously carried.

- b. Consideration of approval of Application for Site Plan Review SP#06-08 submitted by Primax Properties, LLC for a proposed retail center.**

A motion was made by Commissioner McMurray, seconded by Commissioner Parker, to approve Application for Site Plan Review SP#06-08 submitted by Primax Properties, LLC for a proposed Retail Center. Motion unanimously carried.

- c. Consideration of approval of Amendment to Chapter 96: Pickets, Parades, Public Assemblies and Special Events.**

Planning Director Hopkins stated the Town needs stricter standards and specific time elements. He stated much of this proposed ordinance is oriented to the Police Chief. He stated this proposed ordinance also covers constitutional issues and will become effective upon adoption. He also stated the proposed “new” Chapter 96 Ordinance will make it possible to have a greater degree of enforcement than the current ordinance.

A motion was then made by Commissioner Parker, seconded by Commissioner McMurray, to approve the amendment to Chapter 96: Pickets, Parades, Public Assemblies and Special Events. Motion unanimously carried.

**d. Consideration of awarding bid for Well #19 Project.**

Manager Zell informed the Board that Gilliam Construction, from Carthage, N. C., was the low bidder in the amount of \$101,960.00. He stated this was for the well that will be constructed in the Midway area.

A motion was then made by Commissioner Parker, seconded by Commissioner Wright, to award the bid for the Well #19 Project to Gilliam Construction Co. in the amount of \$101,960.00. Motion unanimously carried.

**8. Other Business**

A motion was made by Commissioner Wright, seconded by Commissioner Shannon, to go into Closed Session for the purpose of acquisition of property. Motion unanimously carried.

**9. Adjourn**

The Board returned to Regular Session. With no action taken, a motion was made by Commissioner Parker, seconded by Commissioner Farrell, to adjourn the meeting. Motion unanimously carried.

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Nancy M. Matthews, Town Clerk

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Elizabeth B. Mofield, Mayor

This draft prepared on  
November 15, 2006

This set of minutes adopted on  
December 11, 2006