

Minutes  
Work Session  
Aberdeen Town Board

April 28, 2011  
Thursday, 5:30 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Town Board met Thursday, April 28, 2011 at 5:30 p.m. for the Work Session. Members present were Mayor Elizabeth B. Mofield, Mayor Pro tem Robbie Farrell, and Commissioners Pat Ann McMurray, Alan Parker, Jim Thomas, and Walter Wright. Staff members in attendance were Planning Director Kathy Liles, Planner Pam Graham, Town Manager Bill Zell, Parks & Recreation Director Leigh Baggs, and Town Clerk Regina Rosy. Greg Burnette and Reporter for the Pilot Tom Embrey were also in attendance for the meeting.

Mayor Mofield called the meeting to order at 5:30 p.m.

1. Sign at Aberdeen Lake Park.

Parks & Recreation Director Leigh Baggs stated she had contacted three different companies regarding the signs at Aberdeen Lake Park. She stated the sign could be sand blasted and an example would be the sign at Berkeley Park. Parks & Recreation Director Baggs stated sandblasted signs are the typical types of signs that are found at local parks in Moore County. Parks & Recreation Director Baggs stated LED capable signs could provide an opportunity to promote events going on at the park. Parks & Recreation Director Baggs stated the cost would be \$2,000 - \$2,500 for a sandblasted sign. Parks & Recreation Director Baggs stated the quoted LED signs range in price from \$22,988.92 to \$27,703.92 based on size. Parks & Recreation Director Baggs elaborated on the three different types of signs that could be used.

Commissioner Parker stated he would recommend the Town not spend \$27,000 on a sign sticking up in the air. Commissioner Parker thought something simple would be more appropriate.

Commissioner Wright stated the Berkeley sign is nice, but coming down US 1, you would pass it before you see it. Mayor Mofield stated she is not so sure she likes the LED signs. Commissioner Wright stated he does not think the LED sign would quite mix with the park. Commissioner McMurray suggested the vendor use the current building to come up with another design that is lower to the ground, similar to Mount Jackson's sign.

Parks & Recreation Director Baggs next displayed a sign for the Aberdeen Recreation Station. Parks & Recreation Director Baggs stated she would prefer either a black background with white lettering, or white background with black lettering. Commissioner Wright recommended a simple sign similar to the sign at the Forest Hills entrance.

2. Zoning Code Text Amendment ZA #11 02 submitted by Ron Stewart for an amendment to the C I Light Industrial Zoning District to allow athletic/instructional facility and associated accessory uses in the Commercial Industry, Light District (C I) as a Conditional Use Permit.

Planning Director Liles stated this item will be scheduled for Public Hearing on May 9, 2011. Planning Director Liles stated the applicant's main focus would be for a cheer camp, and he would also want an overflow daycare. Agenda Item scheduled for Public Hearing on May 9, 2011.

3. Consideration of a conditional use permit for a home day care as requested by Sherry Carter to be operated at 1304 N. Poplar Street on the second lot southeast of the intersection of 2<sup>nd</sup> Avenue and N. Poplar Street.

Planning Director Liles stated this item was heard by the Planning Board this past Thursday and the Planning Board recommends this item for approval. Commissioner McMurray asked how the other recent home daycares are doing. Planning Director Liles stated several of the past home day cares appear to not be in operation any longer. Commissioner Parker stated he thought the process was backwards, that licenses should be submitted for occupations prior to conditional use permit approvals, rather than vice versa. Planning Director Liles stated that is practical in some matters, but in others it is not possible. Agenda Item scheduled for Public Hearing on May 9, 2011.

4. Consideration of adoption of new Unified Development Ordinance, map representing the ETJ boundaries of the Town as were established and placed on record with the Register of Deeds in 1986 and 1990, and new Zoning Map for the Aberdeen Town limits and extraterritorial jurisdiction.

Planning Director Liles stated this item has been scheduled for public hearing. Planning Director Liles stated if zoning amendments involve more than 50 parcels, then a half page legal ad has to be run twice. Planning Director Liles stated notices were mailed out (3,000 letters) this week. Planning Director Liles stated notice has been placed in six different places around Town too. Agenda Item scheduled for Public Hearing on May 9, 2011.

5. Housing Development Grant for Midway Gardens Infrastructure.

Manager Zell stated this housing development grant would be for property off of Keyser St. where Habitat built seven homes. Manager Zell stated there is no money required from the Town for this process. Manager Zell stated the Town just has to apply for the grant. Manager Zell stated this grant would provide infrastructure for 14 lots and 18 homes and would be in the amount of \$250,000. Agenda Item scheduled for Public Hearing on May 9, 2011.

6. Annexation Ordinance #46 711 to Extend the Corporate Limits of the Town of Aberdeen, Under the Authority Granted by Chapter 160A, Article 4A, Part 2 and 3 of the General Statutes of North Carolina for Areas F P.

Planning Director Liles stated this is the remaining involuntary annexation up for consideration. Planning Director Liles explained what the options are for the Board at this time. Mayor Mofield asked if anyone had spoken with representatives from Legacy Links to see if they would be willing to do a voluntary annexation at a later date. Commissioner Wright confirmed representatives said they did not need any of the services the Town offers and this annexation would not benefit them.

Commissioner Wright recommended the Board delay this annexation for a year at least. Mayor Mofield suggested the Board approach the representatives from Legacy Links to see if they would petition to annex. Mayor Pro tem Farrell stated Legacy Links is in a business where people drive as tourists to their business. Mayor Pro tem Farrell thinks with gas as expensive as it is, this could really affect their business. Mayor Mofield stated that same argument could have been used for any of the previous involuntary annexations. A Legacy Links representative at the meeting stated there were really no services to be taken advantage of because of this annexation. He stated he feels like his business draws business to the community, but feels like it would be a real financial burden on his business to be annexed.

Commissioner Wright asked where sewer goes. The Legacy Links representative stated they are on septic tank and wells and there are no streets to maintain. He stated the waste is too large, so waste could not be picked up by the Town. Commissioner Wright stated he would recommend delaying the annexation by one year. Mayor Mofield pointed out that if legislature sets a moratorium between now and then it could affect this annexation if it is delayed. Commissioner Parker stated because of things going on in the legislature, he believes our hands are tied. Commissioner Parker stated he thinks the Town should not let this opportunity slip away. Commissioner Wright stated he does not like annexing properties that the Town can not provide services for. Commissioner Parker asked who would respond to fire service calls for that area, including the clubhouse. Planning Director Liles stated Aberdeen Fire Dept. responds to fire calls. Commissioner Thomas stated he is trying to focus on the acreage issue, that is currently a golf course, and sooner or later someone is going to annex this property. Commissioner Thomas questioned aren't golf courses a part of the community they operate in? Commissioner Thomas stated this decision will affect Aberdeen for years and years down the road, and it's impossible to know what could happen with this property. Commissioner Parker stated if Legacy Links would voluntarily annex their property for July 7, 2012 on a voluntary basis it would take 60 days and during their 60 days could repeal their decision. Commissioner Parker stated Legacy Links has a monetary interest in delaying this annexation.

A motion was made by Commissioner Parker, seconded by Commissioner McMurray, to adopt Annexation Ordinance #46 711 annexing Legacy Links Golf Course with an effective date of July 7, 2011. Motion failed with a 2 3 vote with Commissioners Parker and McMurray voting yes and Commissioners Wright, Farrell and Thomas voting no.

A motion was made by Commissioner Thomas, seconded by Commissioner Parker, to adopt Annexation Ordinance #46 711 annexing Legacy Links Golf Course with an effective date of June 1, 2012. Mayor Mofield made the Board aware this would be an involuntary annexation which means it could be stopped by legislature. Commissioner Thomas stated he just does not have assurance that a binding contract could be upheld for a voluntary annexation and may not happen a year from now. Commissioner Thomas stated there is a vested interest for Legacy Links in not being annexed and he thinks this would be easier than a potential contract between the Town of Aberdeen and Legacy Links for a voluntary annexation. Commissioner Wright asked how many houses have been built out at Legacy Lakes. Manager Zell pointed out Legacy Links is just a golf course. Manager Zell stated 20 houses have been built at Legacy Lakes, and 720 are potentially going to be built. Commissioner Wright asked if The Pit is in Aberdeen yet. Manager Zell stated the Board just approved this item on April 14, 2011 for The Pit to be annexed into Aberdeen. Mayor Pro tem Farrell was concerned this was not being considered for approval at a regular Board Meeting. Commissioner Parker stated the Town of Pinebluff was the reason this item had to be delayed until tonight, because the Town of Pinebluff would not sign the waiver. Mayor Mofield stated persons most concerned about this issue are sitting in the room, so there is no reason to be concerned about that issue. Commissioner Wright asked why the annexation date couldn't be June 30, 2012 instead. Planning Director Liles stated the most this annexation could be delayed is 400 days which would be June 1, 2012. Motion unanimously carried.

7. Site Plan Review SP #11 01 submitted by Texas Roadhouse Holdings, LLC.

Planning Director Liles stated Planner Pam Graham will present this item. Planner Graham stated the applicant requests site plan approval for construction of a new structure for a restaurant upon demolition of the existing Town and Country Cinemas. The property is located at 1301 N. Sandhills Blvd. and LRK# 54234. Planner Graham stated Texas Roadhouse is proposing to construct a 6,678 square ft. full service restaurant with associated site improvements. The restaurant will accommodate approximately 241 patrons.

Planner Graham stated site improvements include a sidewalk along US 1 right of way, a patio waiting area, grading, additional parking, landscaping, and utility connections. Planner Graham stated the applicant is also complying with DOT's request to close the southernmost entrance in the shopping center. Planner Graham stated the primary access

to the restaurant will be via the main shopping center entrances along US 1 and Magnolia Drive.

Planner Graham displayed a site plan for the property. Planner Graham stated based on the Town's code, there is an excess of parking for the uses proposed.

Planner Graham stated the property is zoned H C and immediately adjacent to properties also zoned H C to the north and west, and R 20A to the south, and H C and B 1 across the highway.

Planner Graham stated the Town Code requires restaurants to provide one parking space for each 100 sq. ft. of the building. The proposed 6,678 sq. ft. structure would require 67 parking spaces. Planner Graham stated 50 existing parking spaces are allocated for the restaurant's use, and 17 new parking spaces are proposed. Planner Graham stated new parking spaces will locate handicap accessible spaces closer to the building's entrance and will provide a curb ramp to directly access a concrete sidewalk leading to the doorway.

Planner Graham stated the proposed landscape plan meets all Town landscaping requirements and includes: 14 large trees, 9 understory trees, 258 deciduous and evergreen shrubs, ornamental grasses and lawn areas, and landscaped patio area for waiting customers.

Planner Graham stated the exterior finishes include: pre stained cedar siding, trim and wood shutters, brick veneer, split faced concrete masonry units with the color to match the brick, and a ribbed metal roof.

Mayor Pro tem Farrell questioned if the flag meets code height requirements. Planning Director Liles stated it is less than 50 feet in height, therefore it meets requirements. Mayor Pro tem Farrell also asked if the Texas flag will be flown. Greg Burnette stated yes, it will be because it is a part of the Texas Roadhouse brand.

Planner Graham stated the site is not located in a watershed protection area. The applicant will be required to obtain approval from NCDENR for a Sedimentation and Erosion Control Plan. Planner Graham stated the applicant will also be required to submit a sign permit application to staff for approval.

Planner Graham stated the project is a use by right, is compliant with the Zoning Ordinance, and does not require public input. Planner Graham stated the Board may consider approval of this item tonight at the Work Session.

Greg Burnette agreed to extend the sidewalk an additional 80 feet, at the request of Commissioner Parker.

Commissioner Wright stated the Town would be glad to have Texas Roadhouse.

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to approve Site Plan #11 01 submitted by Texas Roadhouse Holdings, LLC. Motion unanimously carried.

8. Update on Hinesley Property.

Planning Director Liles stated the letter from the mold specialist and engineer was requested by the Board before meeting again on this issue. Planning Director Liles stated Miles Robinson went back and looked at the structural components of the Hinesley Property and provided input. Planning Director Liles asked for direction from the Board, on if they wanted to proceed with the ordinance to demolish or repair the structure or hold off.

Commissioner Thomas stated if he is reading correctly, the subfloor needs to be replaced.

A motion was made by Commissioner Parker to adopt an ordinance to remove the house. Motion died for lack of a second.

Planning Director Liles suggested waiting until May 9<sup>th</sup> to approve that ordinance. Planning Director Liles stated if the Board approves that ordinance, there would be 90 days for the owner to repair or demolish. Mayor Mofield stated basically the Board has two options tonight, to consider an ordinance to repair or demolish within 90 days, or continue to wait for more action.

Commissioner Wright stated the 50% cost establishment has not been made yet. Planning Director Liles stated she has spent considerable time speaking with the building inspector, Rodney Childress, and we are right at the 50% limit. Planning Director Liles stated another option is to have a contractor come out and estimate how much it would cost to complete the house.

Commissioner Wright stated a paper needs to be in file on who is responsible for this property, and the Town Attorney agreed with that. Commissioner Wright stated he does not want to get in a situation where the Town has to pay for a house that the Town tears down. Planning Director Liles stated there is a whole legal process to go through after the 90 day period, before any more action would be taken.

Commissioner Parker reiterated, he thinks 13 years is long enough to deal with this situation. Commissioner Parker stated he thinks it is time to move forward and demolish the home. Planning Director Liles stated she agrees with Commissioner Parker, but after going in the house, she doesn't think it's a good idea to give up on the home quite yet. Commissioner Wright wanted to make sure a tax lien would be placed against the property

for tearing it down. Planning Director Liles confirmed a tax lien would be obtained before tearing it down. Agenda item scheduled for Old Business on 5/9/11.

9. All American City Application.

Manager Zell stated the Board requested the application to look at for All American City. Commissioner Wright asked when the application was due. Manager Zell stated March 2012 is when the application would be due. Commissioner Wright does not think this has done us any good in the past, and does not think the Town should spend the time working on it. Mayor Mofield thinks the Town should at least fill out the application. Commissioner Wright asked about the cost. Manager Zell stated All American Associates was going to charge \$6,000 to do the civic index. Commissioner McMurray stated the application fee is only \$100. Commissioner McMurray suggested staff working on this project, versus paying All American Associates. Commissioner Wright asked how much staff time would be spent on this issue. Planning Director Liles stated she felt that some current projects might fit in with this application, such as Healthy Kids Healthy Community and the Aberdeen Business Guild. Commissioner McMurray suggested Ray's Mill Pond be included as a project as well. Planning Director Liles stated Midway could be another project idea. Manager Zell stated he would sit down with Planning Director Liles and come up with a list of project considerations for the application.

10. Main Street Program.

Commissioner Wright stated he does not think the Board needs to spend money on this issue again, it did not work in the past. Manager Zell stated Ray Ogden is retiring from Partners in Progress and would be willing to work on this project.

Commissioner Wright thought this could be taken care of much cheaper by looking for other applicants. Commissioner McMurray thought Ray Ogden would do a wonderful job on this project. Commissioner McMurray stated she would not want to bring in someone and have to educate them all over again. Mayor Mofield stated she would prefer to have an independent contractor to do the work rather than hire an employee to do the job.

Mayor Mofield pointed out that the Town might be eligible for more grant money by participating in the Main Street Program. Mayor Mofield requested a copy of the application for the Main Street Program. Manager Zell stated it's important to know if the Board is interested in this program or not, because of budget implications for the upcoming fiscal year.

11. Contract to Audit Accounts.

Manager Zell stated the same hourly rate has been used since 2006 for the audit contract. Manager Zell stated once this contract is adopted by the Board, it goes to the LGC. Manager Zell stated if the Board waits until May 9<sup>th</sup>, then it pushes back the pre audit.

A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve the contract to audit accounts by Dixon Hughes. Motion unanimously carried.

12. Resolution to Lease the Aberdeen Alcoholics Anonymous Property and Building.

Manager Zell stated this lease was for 10 years for the AA Building and Neil Graves came in the first part of April to discuss renewing the lease. Manager Zell stated on May 9<sup>th</sup> the resolution will need to be considered for approval. Agenda Item scheduled for Consent Agenda on May 9, 2011.

13. Budget Amendments.

Manager Zell stated several of the larger budget amendments were prepared by Finance Officer Beth Wentland. Manager Zell stated the budget amendments include the police department's new roof, new truck for Parks & Recreation, sidewalk expenses not covered by Powell Bill, and new brick steps for the picnic shelter at Aberdeen Lake Park plus paving expenses for Colonial Heights Park.

Manager Zell stated all budget amendments can be approved with one motion on May 9, 2011 under Consent Agenda. Manager Zell passed out a list of additional items to purchase before the end of this current fiscal year. Manager Zell stated several items were identified during the budget process for the upcoming fiscal year. Manager Zell stated those items include \$2,500 for park benches at Aberdeen Lake Park, fence at Colonial Heights, \$5,000 for redesign of Town website, new truck for Public Works, and carpet and tile at Aberdeen Police Dept. to be replaced. Manager Zell stated the proposed budget amendments and additional items just mentioned would total \$245,841. Mayor Mofield asked what color the fence would be at Colonial Heights and stated she would prefer green or brown. Mayor Mofield asked who is picking the colors for the carpet and tile at the Police Department. Manager Zell stated Chief Connor is overseeing the selection of carpet and tile. Commissioner McMurray asked about the concession stand at Colonial Heights and what is being done about that. Commissioner McMurray stated Joe Thompson stated he would prefer concrete siding for the concession stand. Mayor Pro tem Farrell stated he would recommend getting a quote on a security system at Colonial Heights and either hardy board or brick for the concession stand. Commissioner McMurray asked about security cameras for Aberdeen Lake Park. Manager Zell stated security cameras are already in place at Aberdeen Lake Park. Manager Zell stated he would get with Parks & Recreation Director Leigh Baggs to discuss the items at the parks.



A motion was made by Commissioner Wright, seconded by Commissioner Parker, to purchase the additional items of \$41,300. Motion unanimously carried. Agenda Item scheduled for Consent Agenda on May 9, 2011.

14. Resolution to Accept Financing Terms for Police Vehicles

Manager Zell stated this resolution is for 3 Crown Victoria vehicles and a Dodge Charger for the Police Department. Agenda Item scheduled for New Business on May 9, 2011.

15. Budget Meeting Calendar.

May 5<sup>th</sup> – first Budget Work Session

May 9<sup>th</sup> – Board Meeting

May 12<sup>th</sup> – Budget Work Session

May 19<sup>th</sup> – Budget Work Session

May 26<sup>th</sup> – Budget Work Session

16. Other Business.

None

17. Adjournment.

With no further discussion, a motion was made by Commissioner Wright, seconded by Commissioner Parker, to adjourn the Work Session. Motion unanimously carried.

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Regina M. Rosy, Town Clerk

Minutes were completed in  
Draft form on April 29, 2011

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Robert A. Farrell, Mayor Pro tem

Minutes were approved  
on May 9, 2011