

Minutes
Work Session
Aberdeen Town Board

February 1, 2011
Tuesday, 5:30 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Tuesday, February 1, 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, and Walter Wright. Commissioner Jim Thomas was not in attendance for the meeting. Staff members in attendance were Planning Director Kathy Liles, Planner Pam Graham, Town Manager Bill Zell, and Town Clerk Regina Rosy. Attorney T.C. Morphis, Don Longstreet, and Gayle Holt were also in attendance for the meeting.

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

1. Separation Allowance for Law Enforcement Officers.

Manager Zell stated this item has been added to the agenda so that the Board members can see what the potential liability is for separation allowance in the coming years. Commissioner Parker questioned why some employees with less years of service are closer to eligibility. Manager Zell explained that to be eligible for separation allowance, a law enforcement employee must have 30 or more years of credible years of service, or age 55 with 5 years of service.

2. Zoning Code Amendment to Address the Downtown Retail Overlay District ZA #11-01.

Planning Director Liles stated the text that was drafted includes the verbiage the Board requested. The Board sponsored text amendment to predominantly address entertainment and assembly uses in the DROD, and secondarily resulted in consolidation of some types of uses. The changes also reflect recent updates in case law. Commissioner Wright asked how this amendment would affect RLUIPA. Attorney Morphis stated there has been some case law in the past few years that says it is okay to exclude religious organizations from certain areas if you can articulate a good legitimate reason and not just exclusion. Attorney Morphis stated after reviewing recent cases, he feels much more comfortable with this type of amendment. Commissioner Wright asked if a church had some paid entertainment in a building, and also church activities – would that be legal? Attorney Morphis stated that is a good question and the situation would have to be reviewed individually. Attorney Morphis stated after reviewing, probably staff would have to review and make a recommendation to the Board. Mayor Pro-tem Farrell referred to a previous meeting, and asked if this will preclude any religious use behind the 30% on the first floor. Attorney Morphis stated the intent was for the other 70% to be used for storage/warehousing. Commissioner Wright stated if

bible sales were in the first 30% of the store on the 1st floor, would that qualify? Attorney Morphis stated yes, if it was retail, then it would qualify. Planner Graham read from the amendment, that the other 70% would have to be for storage only. Mayor Mofield asked if an afterschool tutoring service would be allowed, and Planning Director Liles stated it was listed under retail services so it was included. Agenda Item scheduled for Public Hearing on March 14, 2011.

3. Partial Release of Willie Blyther Minimum Housing Lien.

Planning Director Liles stated the two Blyther houses are located just off of Pee Dee Road. Planning Director Liles stated the houses were taken down as part of a minimum housing case. The total cost was \$3,872 to take the houses down. Habitat for Humanity paid \$1,650 of the cost to tear the houses down, which left a balance owed \$2,222. Planning Director Liles stated Mr. Wike would like to obtain Parcel A and put a residence on it. Mr. Wike is one of the grandchildren, from which the original property owner descended. He has asked to pay a proportionate amount of the lien so that he can place a residence on Lot A. Attorney Morphis stated the Board could require Mr. Wike to pay the full amount owed, since a lien applies the same towards any part of the property. The proportionate share would be 32% which would be \$711. Mr. Wike seeks partial release of the lien. Mayor Pro-tem Farrell asked if the other three lots are buildable. Planning Director Liles stated yes they all meet the minimum criteria, except Lot D would be much more difficult to build on.

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to approve the proposal to allow Mr. Wike to pay the proportionate share of \$711 to receive a partial release of the lien for Lot A. Motion unanimously carried.

4. 2011 Involuntary Annexation Schedule.

Planning Director Liles stated in order to achieve an effective date of June 30, 2011 for the annexation process, the following deadlines will have to be met:

- February 1, 2011: Resolutions of Intent approved
- February 21, 2011: Approve Services Plan
- March 24, 2011: Public Information Meeting (Board does not have to attend)
- April 4, 2011: Public Hearing
- April 14, 2011: Adopt Annexation Ordinance
- June 30, 2011: Effective Date

The Board considered moving the regular meeting in April to April 14, 2011 to alleviate an extra meeting night. Commissioner Parker stated in the spring as the time changes, it will be harder for him to make all these extra meetings, that is why he would suggest coordinating meetings and combining them if possible. The Board agreed to move the Regular Board Meeting to Thursday, April 14, 2011 in order to eliminate an extra meeting night.

5. Resolution of Intent for Involuntary Annexation.

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to go into Closed Session pursuant to N.C.G.S.143-318.11(a)(3) to consult with the Town Attorney to preserve the attorney/client privilege. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to reopen regular session. Motion unanimously carried.

Planning Director Liles stated just because Resolutions of Intent are approved tonight, does not mean the Board is locked in. The Board can back out at a later date if they want to. Planning Director Liles stated Area J was an issue because there is a mapping error. Planning Director Liles stated an area between holes 2 and 3 is showing as in-town when it actually needs to be annexed. The Resolution of Intent was revised and changed to Area JK.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel A. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel B. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel C. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel D. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel E. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel F. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel G. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel H. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel I. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel JK. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel L. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel M. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel N. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel O. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel P. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to approve the Resolution of Intent for Involuntary Annexation for Parcel Q. Motion unanimously carried.

6. General Code Text Amendment to Allow Urban Chickens.

Commissioner Parker thanked Planning Director Liles for her time on this issue, but he is wondering if the Board can thank Mr. Jackson for bringing up this issue, but the Town Board is not interested in this amendment at this time.

Commissioner Wright asked what is currently in the general code regarding this issue. Planning Director Liles stated chickens are not allowed and they tend to be a source of complaint for surrounding neighbors. Planning Director Liles stated the issues to consider are noise, maximum number, permits, siting and maintaining the coop, exemptions for indoor fowl, and slaughtering. Mayor Mofield asked if a citizen could have a pet chicken. Planning Director Liles stated perhaps if the pet chicken was kept indoors it would be allowed. Mayor Mofield asked what if the pet was in a cage outside as a pet. Planning Director Liles stated a chicken would not be allowed outside, even as a pet. Planning Director Liles stated if the Board does not want to consider this at all, the issue can be put to rest. Commissioners Wright and Parker stated they were happy with the way the code is, and don't care to continue this issue. Mayor Mofield stated she would suggest we leave this issue alone.

7. Selection of Town Brand.

Planning Director Liles stated she needs to know if the Board is okay with the final brand that was designed. Commissioner Parker suggested writing out the word "established" so there is no confusion about what "est" stands for. Commissioner Parker questioned if the Board was happy with the font type for the letters "A" and "b" in Aberdeen. Commissioner Wright stated he would recommend changing the font to a different style for Aberdeen, and Commissioner Parker agreed with that recommendation.

8. Application for Conditional Use Permit CU #10-04 submitted by Gayle Holt to operate a child care home occupation located at 115 Chapel Greens Place.

Mayor Pro-tem Farrell asked if the fence had been put up, and Ms. Holt stated she had put the fence up. Planner Graham read off the conditions that approval would be based on. A motion was made by Commissioner Wright, seconded by Commissioner Parker, to approve Application for Conditional Use Permit CU #10-04 submitted by Gayle Holt to operate a child care home occupation located at 115 Chapel Greens Place. Motion unanimously carried.

9. Application for Conditional Use Permit CU #10-05 submitted by Don Longstreet for Longwood Townhomes Phase Three.

A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approve Application for Conditional Use Permit CU #10-05 submitted by Don Longstreet for Longwood Townhomes Phase Three. Motion unanimously carried.

10. Resolution Authorizing and Ratifying the Execution of an Installment Financing Contract and Related Documents for the Financing of the Construction of an Expansion to the Fire Department by the Town Manager.

Manager Zell stated this item was previously approved in December, the resolution that was approved by the Town Board authorized the Mayor and Finance Officer to execute the documents, but instead he and the Finance Officer had executed the documents. Manager Zell stated in order to fix the problem, this resolution would need to be approved by the Town Board. A motion was made by Commissioner Parker, seconded by Commissioner Wright, to approve the Resolution Authorizing and Ratifying the Execution of an Installment Financing Contract and Related Documents for the Financing of the Construction of an Expansion to the Fire Department by the Town Manager. Motion unanimously carried.

11. Other Business.

- a. Surplus Property.

Manager Zell stated there is a 2006 Crown Victoria that has been wrecked and is going to be sold on GovDeals. Manager Zell stated the vehicle will be sold as is and he just wants to make the Board aware of this surplus property to be sold.

- b. 2011-2012 Budget Preparation Calendar.

The Board agreed on the following dates and times for meetings to be added to the calendar:

- Budget Meeting on Tuesday, March 8th at 5:30 p.m.
- Budget Meeting on Wednesday, March 9th at 5:30 p.m.
- Budget Meeting on Thursday, March 10th at 5:30 p.m.

Manager Zell stated the realtor has lowered the price to \$375,000 for the acreage out by Public Works. Mayor Mofield stated the requested price and actual value is too far apart to even worry with.

Commissioner Wright stated he, Mayor Pro-tem Farrell and Planner Graham visited the Cypress Creek site and they are very unhappy with the water situation out there. Planner Graham stated the engineer has been contacted with the Town of Southern Pines. Planner Graham stated the Town of Southern Pines engineer stated the developer at Cypress Creek is in compliance and the site is inspected by Town inspectors every week. Manager Zell felt like the main problem is that the developer was allowed to clear cut the property sloping

down towards Ray's Mill Pond. Mayor Pro-tem Farrell stated the Town has big plans for that property, and as we speak the Town of Southern Pines is polluting Aberdeen's lake. Mayor Pro-tem Farrell was very concerned about this issue.

Mayor Pro-tem Farrell asked about the Hinesley property. Planning Director Liles stated Neil Smith engineering is writing a letter about the structural integrity of the property and the Town staff should get the letter tomorrow. Planning Director Liles stated Michael Hinesley met with Rodney Childress this past Friday and told him he has already lined up all the contractors to complete the house. But Rodney told Michael Hinesley that he would not sign off on inspections until a letter is received from an engineering firm stating what the structural situation is with the house.

12. Adjournment.

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

Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on February 2, 2011

Elizabeth B. Mofield, Mayor

Minutes were approved
on March 14, 2011