

Minutes
Regular Board Meeting
Aberdeen Town Board

April 12, 2010
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, April 12, 2010 at 6:00 p.m. for the Regular Board Meeting. Members present were Mayor Elizabeth B. Mofield, Mayor Pro-tem Robbie Farrell and Commissioners Pat Ann McMurray, Jim Thomas, Alan Parker, and Walter Wright. Staff members in attendance were Planner Patti Jilson, Permit Specialist Jenni Secrist, Code Enforcement Officer Charles Davis, Town Attorney T.C. Morphis, Town Manager Bill Zell, and Town Clerk Regina Rosy. Reporter for the Pilot Hannah Sharpe, Ray Manieri, and Elease Goodwin were also in attendance for the meeting.

1. Call to Order

Mayor Mofield called the meeting to order.

Public Hearings

- a. Program/Budget Amendment to the 2008 Community Revitalization Community Development Block Grant. **(CANCELLED)**

Mayor Mofield stated the Public Hearing on Program/Budget Amendment to the 2008 Community Revitalization Community Development Block Grant has been cancelled.

- b. Application for Conditional Use Permit CU #10-01 submitted by Tony Fairley to establish a used car lot at 517 S. Sandhills Blvd. The property is located in the HC Highway Commercial District and is owned by Joe Ussery.

Mayor Mofield opened the Public Hearing on Application for Conditional Use Permit CU #10-01 submitted by Tony Fairley to establish a used car lot at 517 S. Sandhills Blvd.

Town Clerk Regina Rosy swore in Planner Patti Jilson.

Planner Patti Jilson stated the applicant, Tony Fairley, proposes to open a used car lot located on property identified by the Moore County Tax records as LRK# 56601. Planner Jilson stated the current zoning of the property is Highway Commercial and there will be no area of disturbance. She stated the property is not located in the watershed, but is located in the floodplain. Planner Jilson stated the maximum number of vehicles would be restricted to five, and Mr. Fairley would be required to submit a sign application prior to installation of any signage. Planner Jilson also stated service and repair work would be limited to work associated with the cars for sale and not as a primary use.

Mayor Mofield asked if anyone was in attendance to speak on behalf of the applicant regarding this conditional use permit. There was no one in the audience wishing to speak about this issue. Mayor Mofield asked if the Board had any comments or questions. Commissioner Thomas asked about the signage for the business and what it would consist of. Planner Jilson stated the property owner's goal is to have a master sign plan and have one large sign for all smaller businesses in this particular development. Commissioner Thomas stated each business can not feasibly have their own sign due to the space allowed. Planner Jilson stated Mr. Fairley has made no request to put up a sign at his place of business. Commissioner Thomas asked what is currently being used for signage right now for this property.

With no further comments, Mayor Mofield closed the Public Hearing on Application for Conditional Use Permit CU #10-01 submitted by Tony Fairley to establish a used car lot at 517 S. Sandhills Blvd.

- c. Application to zone approximately 18.06 acres of property located at 12588 US 15/501 to O-I Office and Institutional District. Property is owned by The Academy of Moore.

Mayor Mofield opened the Public Hearing on Application to zone approximately 18.06 acres of property located at 12588 US 15/501 to O-I Office and Institutional District.

Planner Jilson stated this is the property where the Academy of Moore is located. Planner Jilson stated this property currently is not zoned by the Town of Aberdeen, and that is the reason for requesting this zoning.

Mayor Mofield clarified this is the property where the Academy of Moore School is located. Commissioner McMurray stated the Board previously discussed this item and felt Office and Institutional was an appropriate zoning for this property. Mayor Mofield asked if a school could go in a commercial district. Planner Jilson stated a school could not be located in a commercial district. Planner Jilson stated when a rezoning is completed, notification has to be given to RLUAC – and they had no problem with this rezoning. Mayor Pro-tem Farrell asked if the property owners of this property had any concerns about this possible zoning. Planner Jilson stated at the time of annexation the applicant requested vested rights, which means the Conditional Use issued by Moore County will continue to apply, even upon designation of a zoning district by the Town of Aberdeen. Planner Jilson stated if the development plan needs to change, the development will need to comply with Town of Aberdeen regulations. Manager Zell stated the Town requested this zoning because this property is not currently zoned by the Town of Aberdeen, and this property was recently annexed into the Town of Aberdeen.

With no further comments, Mayor Mofield closed the Public Hearing on Application to zone approximately 18.06 acres of property located at 12588 US 15/501 to O-I Office and Institutional District.

2. Setting of the Agenda

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

3. Approval of the 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 on March 8, 2010, Closed Session on March 8, 2010, Special Called Meeting on March 9, 2010, Special Called Meeting on March 15, 2010, Special Called Meeting on March 16, 2010, Closed Session on March 16, 2010, Special Called Meeting on March 23, 2010, Special Called Meeting on March 25, 2010, Special Called Meeting on March 30, 2010, and Work Session on April 1, 2010.

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

4. Informal Discussion and Public Comment

Manager Zell stated the monthly Moore County meeting of public officials will be held at the Senior Enrichment Center on Thursday, April 15th at 5:00 p.m. Mayor Mofield asked if any other Board member has attended these Moore County public officials meetings before. Manager Zell, Mayor Pro-tem Farrell, and Mayor Mofield agreed to attend the meeting on Thursday, April 15th at 5:00 p.m.

Commissioner Parker recognized the Aberdeen Fire Dept. He stated there was a vehicle fire earlier this morning with an Aberdeen Exterminating truck. Commissioner Parker stated it was just before 8:00 a.m. and during shift change, but he stated the Fire Dept. was on scene very quickly and responded very well.

Mayor Mofield asked for an update on Planning Director Liles. Commissioner McMurray thanked the Planning staff for stepping up and filling in for Planning Director Liles during her absence.

5. Financial Report

Manager Zell stated the General Fund as of the end of March is \$262,000 to the good. Manager Zell stated the Water and Sewer Fund is \$73,600 to the good for this fiscal year. Mayor Mofield stated she is so proud of Aberdonians for recycling twice as much as the Board had estimated. Mayor Mofield stated her hope is that garbage pickup will become one day pickup every two weeks, and recycling pickup will be picked up every week.

Manager Zell stated Commissioner Wright had requested him to get some estimated numbers for the end of this fiscal year. Manager Zell stated for the General Fund, he is estimating \$5,988,259 by fiscal year end for revenues. Manager Zell stated estimated expenses are about \$6,100,000 for this fiscal year in the General Fund. Manager Zell stated he estimated conservatively and on a five-year average. Manager Zell stated Finance Officer Wentland also showed some items in the financial report that had been approved this year in the General Fund.

Manager Zell stated several items were purchased this fiscal year that were not budgeted for and that is why the budget is a little off. Mayor Mofield asked if more could be cut between now and the end of the year so the Town will not come out in the red. Manager Zell stated staff is doing everything they can to save money.

6. Old Business

None

7. New Business

- a. Consideration of approval of Conditional Use Permit CU #10-01 submitted by Tony Fairley to establish a used car lot at 517 S. Sandhills Blvd.

Mayor Mofield stated ordinarily the Board does not vote on conditional use permits on the same night a public hearing is held.

A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve Conditional Use Permit CU #10-01 submitted by Tony Fairley to establish a used car lot at 517 S. Sandhills Blvd. Commissioner McMurray asked if the signage issue could be addressed in this conditional use permit. Planner Jilson stated Mr. Fairley could not install any signage for his business until he comes to the Planning Dept and applies for a sign permit. Mayor Mofield asked if sale signs could be posted on the cars. Planner Jilson stated sale information could be written on the windows, or placed underneath the hood. Commissioner Parker pointed out that there are 14 findings of fact and five additional conditions within this conditional use permit. Commissioner Parker stated he does not feel comfortable voting on this item tonight. Mayor Pro-tem Farrell asked if this conditional use permit were approved, could a sign be put up if it fit the sign ordinance. Planner Jilson stated Mr. Fairley could not put up a

sign until he received a sign permit from the Town of Aberdeen. Motion was approved by Commissioner Wright and Commissioner Thomas. Motion was opposed by Commissioner McMurray, Mayor Pro-tem Farrell and Commissioner Parker. Motion failed by a 2-3 vote.

Commissioner Wright asked for a reason for tabling this item. Manager Zell stated this item was not tabled, it was denied because it was opposed by Commissioner McMurray, Mayor Pro-tem Farrell and Commissioner Parker. Commissioner McMurray stated her concern was that enough of the details had not been addressed. Manager Zell stated the Board might table this request for the Work Session rather than deny this conditional use permit. Commissioner McMurray stated she would prefer to have something upfront and concrete and feels this property should be cleaned up. Commissioner McMurray stated she is not denying this request, she is requesting to table this item. Mayor Pro-tem Farrell stated he has no problem with the placement of five cars for sale – he just wants the details to be clearer. Commissioner Parker stated his concern is the appearance of the property, and he is not sure it is appropriate for the property. Commissioner Parker was concerned with Item #13 under the Findings of Fact. A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to rescind the motion of denial of this conditional use permit. Motion was opposed by Commissioner Parker. Motion carried with approval by Commissioner Wright, Commissioner McMurray, Commissioner Thomas, and Mayor Pro-tem Farrell and denial by Commissioner Parker.

A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to table the discussion of Application for Conditional Use Permit CU #10-01 submitted by Tony Fairley to establish a used car lot at 517 S. Sandhills Blvd. until April 29, 2010 at the Work Session. Motion was opposed by Commissioner Parker. Motion carried with approval by Commissioner Wright, Commissioner Thomas, Commissioner McMurray, and Mayor Pro-tem Farrell.

- b. Consideration of approval of Rezoning RZ#10-01 for the Academy of Moore.

Planner Jilson stated the Board previously held a Public Hearing on this item during the Board Meeting.

A motion was made by Commissioner Thomas, seconded by Commissioner Parker, to rezone the Academy of Moore property to Office and Institutional. Motion unanimously carried.

- c. Resolution Regarding Plan Consistency for Rezoning RZ#10-01.

A motion was made by Commissioner Thomas, seconded by Commissioner Parker, to approve the rezoning of the Academy of Moore is consistent with the 2030 Land Development Plan. The motion was amended by Commissioner Thomas, seconded by Commissioner Wright, to state the rezoning

of Academy of Moore is not inconsistent with the 2030 Land Development Plan. Motion unanimously carried.

- d. Resolution to Accept Surety Bonds for Infrastructure Improvements for Legacy Lakes, Phase 1, Maps 3 and 4.

Manager Zell stated current costs have been recalculated for the bonds and the resolution needs to be approved to guarantee the sidewalks and final asphalt are completed. Manager Zell stated these bonds guarantee the Board that these items will be taken care of. Mayor Mofield clarified that these bonds will expire on April 14, 2011.

A motion was made by Commissioner Parker, seconded by Commissioner McMurray, to approve a Resolution to Accept Surety Bonds for Infrastructure Improvements for Legacy Lakes, Phase 1, Maps 3 and 4. Motion unanimously carried.

8. Other Business

- a. Gross Receipts.

Manager Zell stated information was distributed to the Board about gross receipts and will be discussed in further detail at the Work Session on April 29, 2010. Manager Zell stated there are three examples for the Board to review to possibly change how privilege licenses are handled and possibly create additional revenue for the Town. Manager Zell stated big businesses such as Wal-Mart are already used to being charged these higher prices for gross receipts. Manager Zell stated the Board can consider if they want gross receipt amounts to be higher or lower than what he has come up with. Manager Zell stated the Town is looking for additional revenues and this could be a possible source.

- b. Moore County Partners in Progress Annual Dinner.

Manager Zell stated he needs to know who all is planning to attend the Moore County Partners in Progress Annual Dinner. Manager Zell received confirmation for a table of eight.

- c. Schedule a Time to Discuss Town of Aberdeen Brand.

Manager Zell stated Glen Nocik spoke with Kathy Liles last week and he would like to present some branding information to the Board before the Work Session on April 29, 2010. Commissioner Parker stated he would recommend not reviewing the information until April 29, 2010. Mayor Pro-tem Farrell requested that this item be placed first on the agenda on April 29, 2010. Commissioner Wright requested the previous information on brands be put in agenda packets for April 29, 2010.

9. Closed Session – Land Acquisition

A motion was made by Mayor Pro-tem Farrell, second by Commissioner Parker, to go into Closed Session to discuss land acquisition. Motion unanimously carried.

The Board returned from Closed Session with no action taken.

10. Adjourn

A motion was made by Commissioner Wright, seconded by Mayor Pro-tem Farrell, to adjourn the meeting. Motion unanimously carried.

Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on May 6, 2010

Elizabeth B. Mofield, Mayor

Minutes were adopted
May 10, 2010