

Minutes
Work Session
Aberdeen Board of Commissioners

April 30, 2009
Thursday, 5:30 p.m.

Aberdeen Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met on Thursday, April 30, 2009 at 5:30 p.m. for their regular Work Session. Members present were Mayor Elizabeth B. Mofield and Commissioners Robbie Farrell, Pat Ann McMurray, Donna Shannon and Walter Wright. Commissioner Jim Thomas was absent from the meeting. Others in attendance were Town Manager Bill Zell, Town Clerk Regina Rosy, Planning Director Kathy Liles, Planner Patti Jilson, Parks & Recreation Director Leigh Baggs, Ray Manieri with All American Associates, John Manieri with All American Associates, Laura Ebby from the Pilot, and Jack Taylor.

Mayor Mofield called the Work Session to order.

1. Bethune St. CDBG Grant

Ray introduced his son, John Manieri who will be doing most of the administrative work for this grant.

a. Land Acquisition Process

Ray Manieri stated land will need to be acquired to widen the street and install a sidewalk and also to acquire one dilapidated house that has been demolished and five other tracts of land for Habitat for Humanity to develop. He explained the HUD process for acquiring property. The Town has to notify property owners of the Town's interest in the property and provide information to the property owner about owner rights. Next the appraiser documents owner contract and offers to accompany. Next an initial appraisal will be completed and then a review of appraisal will need to be performed. Next, AAA will complete the Just Compensation Form. Next, AAA will complete Summary of Just Compensation Form. Next, the Town Board will need to approve offer and 5% administrative settlement to property owners. Next offer will be made and Just Compensation Form will be provided to property owner. Next, the Town will need to make an administrative settlement if needed and complete form. The Town Manager will sign the contract, closing will take place, and the Town Board will approve condemnation if necessary. Once land is acquired, it will be transferred to Habitat for Humanity for development.

b. May 11, 2009 Public Hearing on Grant Budget Ordinance.

Ray Manieri stated any fund movement of more than 10% would need to be approved by the Board and DCA. Ray Manieri said he felt that this is a common issue. Agenda Item as Public Hearing on May 11, 2009 and New Business.

c. Grant Administrative Contract.

Ray Manieri stated the Grant Administrative Contract will be awarded to All American Associates. Ray stated most of the verbiage is related to grant requirements. He stated the Town will be billed on an hourly basis for the services that All American Associates provides. He stated their costs would not exceed \$80,000. Agenda Item as New Business.

2. Rezoning – Case # 2009257

Planning Director Liles stated this issue began during amendment of the Land Development Plan. She stated Pine Trace, LLC is asking for five pieces of property to be rezoned from R-20 and GC to B-3 Neighborhood Transitional District. She stated this property is located to the north of Johnson Street and west of South Hill Rd. containing five parcels of approximately 8.55 acres.

Planning Director Liles stated the intent of the B-3 Neighborhood Transitional District is to create a business district which provides adequate protection for adjacent or nearby established residential neighborhoods. The B-3 Neighborhood Transitional District serves to create a buffer or less dense business uses site planned to be more harmonious with residential uses thereby separating established neighborhoods from areas of heavy commercialization.

Planning Director Liles stated the Town of Aberdeen has more than enough commercial space to handle future growth with just over 150 acres of new commercial needed over the next 25 years. She stated in response to the anticipated residential growth, the Town should consider areas that may be appropriate for rezoning to commercial or mix use, which will promote residents to buy products closer to home and reduce the number of vehicle trips from any particular development.

Planning Director Liles stated the Planning Board unanimously voted to recommend denial of Application for Rezoning Case #2009257 due to it not being consistent with the 2030 Comprehensive Land Development Plan Future Land Use Map that identifies the area as Low Density Residential. Planning Director Liles stated the Board may decide not to move this item for Public Hearing or can call for a public hearing on May 11, 2009 to accept public input. Mayor Mofield stated B-3 allows for apartments and Aberdeen does not need any more apartments. Commissioner Farrell agreed and felt this would just open the Town up to more issues with this property. Commissioner Shannon asked if there was a way we could rezone this property without allowing for multi-family development. Commissioner Shannon felt by holding a public hearing, we would be giving a false sense of security when the Board already knows they do not want any additional multi-family housing. Commissioner Farrell made a motion to deny a public hearing for Application for Rezoning #2009257, seconded by Commissioner McMurray. Motion unanimously carried.

3. Annexation Public Hearing Scheduled for May 4, 2009.

Planning Director Liles stated the Annexation Public Hearing is scheduled for May 4, 2009 at 6:30 p.m. Planning Director Liles went over the questions asked at the informational meeting and explained there were not many people in attendance for the meeting. She stated the overall feeling about the annexation was positive from the citizens in attendance. Agenda Item as Public Hearing for May 4, 2009.

4. General Code of Ordinance Amendment GP#09-02 Variances to Address Good Faith Errors.

Planning Director Liles stated the Planning Staff coordinated with Town Attorney T.C. Morphis to prepare a potential amendment to the Code of Ordinances that would allow the Board of Adjustment to consider good faith errors through a variance. Section 1(B)(3) has been added to provide for this type of variance consideration. Commissioner Shannon stated she would like to see the variance protect for staff error, but not for contractor or property owner error. The Board directed Planning Director Liles to revise the language to protect only for staff error and then bring back to the Board for consideration.

5. Update on Taylor Building.

Planning Director Liles stated the potential offer for sale fell through. Planning Director Liles stated the building has been determined to be safe by the engineer with some support to the rear wall being provided. This did not address removal of the front building that may require more bracing. Planning Director Liles stated a new roof on the building would cost over \$100,000. Jack Taylor stated he would like to rent the south side of the property to Johnny Morgan if possible. Jack Taylor stated Johnny Morgan really needs the parking space. He stated all windows have been secured, the roof has been torn off, and a great deal of money has been spent on cleaning up the building. Jack Taylor requested that the Board remove the condemnation on the building so that the bottom floor of the building could be used for storage. He stated in order to recover some of the costs for the \$100,000 roof, he needs to be able to make some profit from use of the building. Jack Taylor said he would really like the Board to approve a conditional use so that he can use the vacant space to rent to Johnny Morgan. Mayor Mofield stated the problem is that the current zoning district does not allow for a parking lot for offsite parking. The Board also expressed concerns with maintaining a building structure with no roof. Mayor Mofield stated the Board would mull over this issue and get back with Jack Taylor.

6. Master Sign Plan submitted by Wal-mart to change all exterior wall signs.

Planning Director Liles stated this item just requires approval by the Board of Commissioners. Wal-Mart has submitted plans for a complete up-fit of the local store including new signage. The applicant's request pertains to wall signage only, the existing freestanding sign shall not change. Planning Director Liles stated nine wall signs are included in the Master Sign Plan.

A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approve the Master Sign Plan submitted by Wal-Mart to change all exterior wall signs. Motion unanimously carried.

7. Thomas Huntley Parking Lot Complaint

Planning Director Liles stated adjoining resident, George Schofield, stated trash is on his property, and he wants to know what the Board plans to do about this parking lot. Enforcement had been held in abeyance to provide for sale of the property to Dave Thomas and for a potential rewrite to the B-3 parking lot requirements. Mr. Huntley had asked since Dave Thomas was going to buy the property, could Dave Thomas be made to make the landscaping improvements and install a fence. Mr. Schofield stated his property adjoins the parking lot and the mess is just too much on him and his family right now. Mayor Mofield requested Planning Director Liles to ask Thomas Huntley what the progress is on the sale of the property. Commissioner Wright stated a time limit needs to be specified. Manager Zell stated he will call Thomas Huntley tomorrow morning. Commissioner Farrell stated he wanted to see some relief for this property owner.

8. Appearance & Beautification Commission

Planning Director Liles stated the Appearance & Beautification Commission has developed a list of projects to be considered. The Appearance & Beautification Commission stated the hanging baskets should be replanted with appropriate plants with help from Aberdeen Home & Garden Club and other garden centers in Town. Other items for consideration are banners, replacement of historic signage on US 1 across from Lake Park, clean up of general area at the south end of Sycamore St., and additional parking spaces for downtown area. Mayor Mofield was very pleased with the suggestions from the Appearance & Beautification Commission. Commissioner McMurray indicated that too much emphasis has been placed on banners by other towns and we should consider attractive changes that aren't what everyone else is doing. Planning staff will coordinate with Public Works and begin to implement the suggestions.

9. Fire Dept. Expansion Project

- a. Discussion on Agreement for the Provision of Architectural Design Services for the Aberdeen Fire Dept.

Manager Zell stated there is federal money out there right now for fire dept. construction. Manager Zell stated the agreement reads the architect's fee for the services will be an hourly rate of \$100 an hour with a total to not exceed \$4000 unless agreed to in writing by both parties. Agenda Item as New Business.

- b. Resolution to Exempt the Fire Dept. Expansion Project from the RFQ Process.

Manager Zell stated this resolution would allow the Town to move forward with the architectural agreement without having to bid out the services since the amount is under \$30,000. Agenda Item as New Business.

10. Declare Surplus Property

Manager Zell stated the listed items need to be declared as surplus and will be advertised on GovDeals for auction. Agenda Item as New Business.

11. Other Business

Manager Zell stated he had been contacted by Neil Graves with the AA Building regarding the shingles on the AA building that are rotting. Neil Graves stated they can contribute up to \$2000 but even that amount can affect their prudent reserves. Manager Zell stated the Town would be looking at \$7000 - \$8000 to fix the roof. Mayor Mofield asked Manager Zell to obtain another quote.

Manager Zell reminded the Board there would be a public hearing for curbside one-day per week garbage pickup on May 11, 2009.

Manager Zell stated Finance Officer Beth Wentland needed to have the Contract for Audit Services approved at tonight's meeting if possible. A motion was made by Commissioner Wright, seconded by Commissioner Farrell to approve the contract to audit accounts. Motion unanimously carried.

A motion was made by Commissioner Farrell, seconded by Commissioner Wright to go into Closed Session to discuss land acquisition. Motion unanimously carried.

With no action taken during the Closed Session, a motion was made by Commissioner Farrell, seconded by Commissioner Wright to return to the Work Session. Motion unanimously carried.

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

Regina M. Rosy, Town Clerk

Elizabeth B. Mofield, Mayor

Minutes were completed in
draft form on May 1, 2009

Minutes were adopted
May 11, 2009