

Minutes
The Regular Meeting of the
Aberdeen Board of Commissioners

November 9, 2009
Monday, 6:00 p.m.

Aberdeen Town Hall
Aberdeen, North Carolina

The Aberdeen Board of Commissioners met Monday, November 9, 2009 at 6:00 p.m. for their regular Board Meeting. Members present were Mayor Elizabeth B. Mofield, Mayor Pro-tem Robbie Farrell and Commissioners Pat Ann McMurray, Donna Shannon, Jim Thomas and Walter Wright. Staff members in attendance were Town Manager Bill Zell, Planning Director Kathy Liles, and Town Clerk Regina Rosy. Others in attendance were Reporter for the Pilot, Hannah Sharpe, Alan Parker, Steve Guyton, Maurice Holland, Sr., Maurice Holland, Jr., Elease Goodwin, Elizabeth Cox, Karen Vaccaro, Angelo Vaccaro, Alan Staggard, Kenny Burge, Stephanie Burge, Mark Dorrison, Carolyn Haas, Jane Cole, and Peter Johnston.

1. Call to Order

Mayor Mofield called the meeting to order. She welcomed everyone to the meeting.

PUBLIC HEARINGS

a. Application for Rezoning RZ#09-03 submitted by Habitat for Humanity.

Mayor Mofield opened the public hearing on Application for Rezoning RZ#09-03 submitted by Habitat for Humanity.

Planning Director Liles stated the request is to rezone two parcels of land from R-20 Residential to R-15 Residential Zoning. She stated the property is not located in a watershed area or floodplain. She stated the difference is 20,000 square feet for R-20 zoning and 15,000 square feet for R-15 zoning. Planning Director Liles stated the minimum required living area would be 1400 square feet in R-20 and 1200 square feet in R-15 zoning. Planning Director Liles displayed a map to show the boundaries of the property. Planning Director Liles stated in considering a rezoning, the Board must consider several factors. She stated it should be based on compatibility of adjacent lots. Planning Director Liles stated the area is predominantly residential and surrounding properties are residential as well. Planning Director Liles read a list of questions the Board must consider before voting on this item. Planning Director Liles stated the Planning Board recommended approval of this item and found it consistent with the 2030 Land Development Plan.

Maurice Holland, Jr. thanked the Board for their time. He stated he was there in support of the rezoning. He stated he is part of the family selection committee for Habitat for Humanity and a lifelong resident of the Midway Community. He stated he feels this would be an improvement to the area and sees this as a goal for local residents to strive for home ownership. Mr. Holland stated possible Habitat homeowners must have decent credit in order to be considered and a willingness to partner – sweat equity. Mr. Holland stated each adult in the household has to commit to put in an equivalent of 3.5 months of work on their house or another family's house before they move forward with the process.

Elizabeth Cox, Executive Director for Habitat for Humanity, stated she was there to answer any questions. Elizabeth Cox stated she believes the development planned will be beautiful and values of properties in Midway and on Bronwyn Street will remain the same, if not possibly increase. Mayor Mofield asked how much retail value of the homes would be. Elizabeth Cox guessed the retail values of the homes would be between \$95,000 - \$115,000.

Steve Guyton, 150 Bronwyn Street, Superintendent for Stafford Land Company, stated he is not opposed to new projects and new homes going up. Steve Guyton stated he is opposed to the rezoning for smaller homes clustered together – he feels it will bring down home values on Bronwyn Street. He stated there will be increased traffic at the intersection of US 1 and Saunders. Steve Guyton stated the zoning for R-20 was in place when the property was bought, and he doesn't think the zoning should be changed for this development.

Karen Vaccaro, 175 Bronwyn Street, stated her backyard adjoins this proposed development. She stated she would like the development placed farther back from her property so that it does not decrease her property value. Karen Vaccaro stated she asked Elizabeth Cox if she understood the rezoning that would have to take place to build the development. Karen Vaccaro stated she asked Habitat for a greater buffer zone. She was concerned about her home value decreasing dramatically from the placement of the Habitat homes. Karen Vaccaro asked that homes be placed closer to the road and farther from her backyard. Karen Vaccaro stated this situation could create a negative environment within her neighborhood. She stated she would really like to have a privacy fence built if these homes go in.

Planning Director Liles clarified the rear setback minimum would be 30 feet. Karen Vaccaro stated she is referring to buffer zones. She stated she is referring to yard to yard.

Angelo Vaccaro, 175 Bronwyn Street, stated he doesn't understand why Habitat would buy the property on R-20 zoning when they knew they were going to try to rezone the property to build smaller homes. Angelo Vaccaro stated right now all homeowners get along great in the area. He stated the impact for the Midway Community is much less severe because the Midway houses are much farther away. Angelo Vaccaro stated plans were never drawn up for the R-20 zoning - Habitat just assumed they could have the property rezoned.

Maurice Holland, Sr. stated this whole issue came about when NCDOT was selling the property. He stated the plan was to revitalize the community and grow it in a positive way. He stated they are looking for affordable, family homes for working people. He stated he networked with Civil Rights and Habitat for Humanity to work on this project. Maurice Holland, Sr. stated when Bonnie Brook was built with \$350,000 homes his property taxes increased. Mayor Mofield asked Mr. Holland to clarify how Habitat could have assumed the rezoning could take place. Maurice Holland, Sr. stated there was a time factor in order to purchase the property before the deadline and there was not time to go before the Planning Board during the short timeframe.

Alan Staggard, architect for Habitat, stated he worked for the past 6 months on designs for Habitat houses. He stated the new designs would greatly improve the appearance of the proposed habitat development. He stated the lot sizes would be approximately 1/3 acre each. He stated each tree will be looked at on the property so that as many trees as possible can be saved. Mayor Mofield asked if more of a buffer could be provided or a privacy fence. Alan Staggard stated probably a little more buffer zone could be provided. Mayor Mofield asked if more plantings could be done to provide more of a natural buffer. Mayor Mofield asked Planning Director Liles if it was possible for the Board to require a privacy fence or additional buffer for this development. Planning Director Liles stated at this point in the process, the Town has no control over conditions, only rezoning.

Kenny & Stephanie Burge, 165 Bronwyn Street, stated they think the privacy fence would be a good idea. Kenny Burge stated he doesn't like the idea of the subject area being referred to as a dump. Stephanie Burge stated she would really like a privacy fence and then they wouldn't be quite as against the development.

Maurice Holland, Sr. spoke again – he stated he and Habitat had met with other property owners in the area to try to iron out all differences. He wants to unite the two communities. Maurice Holland, Sr. stated this

development would be a wonderful way to ease the housing issue for working families.

Mark Dorosin, Attorney for UNC Center for Civil Rights, stated first Midway worked with Aberdeen to get funding for water and sewer, then annexation, now this Habitat development is the next step to connect Midway to other communities in Aberdeen. He stated the Planning Board recommended this rezoning unanimously. He stated Habitat compromised with the Town on the rezoning from R-10 to R-15.

Carolyn Haas, 220 Stephanie Street, stated she lives in the Bronwyn Community. Carolyn Haas stated she thinks it would be nice to keep with the R-20 zoning and she can see where the surrounding property owners are coming from.

Jane Cole, 120 Timothy Street, stated her property faces Timothy Street. Jane Cole stated she has lived in her home for 22 years and has never had problems in the area before. Jane Cole stated the property was purchased with R-20 zoning, which was to protect property values of surrounding properties. She stated she believes Habitat for Humanity should develop the property as R-20, which was the zoning for the property when Habitat bought it.

Peter Johnston, 155 Bronwyn Street, stated this project gives him a bad taste in his mouth. Peter Johnston stated he had just retired after working for 34 years. He believes the property was bought at R-20 and that's the zoning the property should be developed at.

Elizabeth Cox stated the property was bought at an auction, and Habitat for Humanity had been asked by the Midway Community to consider purchasing the property. Elizabeth Cox stated there could have been an additional 20 people here tonight from Midway in support of the project. Elizabeth Cox stated she was led to believe the community supported this development when the property was purchased. She believes the fence will put up a wall between the communities. Elizabeth Cox provided written proof to the Board that habitat properties increase in value, rather than decrease.

Mayor Mofield thanked everyone for their comments. Mayor Mofield requested Board members to consider all comments heard during the public hearing.

With no further comments, Mayor Mofield closed the public hearing on Application for Rezoning RZ#09-03 submitted by Habitat for Humanity.

- b. Town's Intent to submit applications for Community Development Block Grant funds.

Mayor Mofield opened the public hearing for the Town's Intent to submit applications for Community Development Block Grant funds.

Planning Director Liles stated this public hearing is the first step in a two part process to possibly apply for Community Development Block Grant funds. Planning Director Liles stated funding is not there at this time but it is still a good opportunity for the Town and a good way to position ourselves for possible opportunities.

With no further comments, Mayor Mofield closed the public hearing for the Town's Intent to submit applications for Community Development Block Grant funds.

2. Setting of the Agenda

Manager Zell asked the Board to add under Old Business the Architect Agreement to draw up construction plans for the Fire Dept. Expansion Project so that the Town could begin to take bids on the project.

Manager Zell stated under Other Business, Item C needed to be added for the Household Hazardous Waste Agreement.

A motion was made by Commissioner McMurray, seconded by Commissioner Thomas, to approve the agenda as amended. 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 October 12, 2009, Closed Session on October 12, 2009 and Work Session on October 29, 2009.

A motion was made by Commissioner Thomas, seconded by Commissioner McMurray, to approve the consent agenda as presented. Motion unanimously carried.

4. Informal Discussion and Public Comment

Mayor Mofield gave information about a fundraiser for Alpha Delta Cappa – an educational sorority. She requested Manager Zell to post the fundraiser poster somewhere in the building. Mayor Mofield stated funds raised would go towards scholarships for students in the three public high schools in Moore County. Mayor Mofield stated the fundraiser would be on December 1, 2009 at 6:00 p.m.

Manager Zell stated for the PARTF grant for Ray's Mill Pond, a meeting will be held on Thursday night at 5:30 p.m. at the Parks & Recreation facility for comments on what the public would like to see at Ray's Mill Pond. Manager Zell stated the public is invited to attend the meeting.

Mayor Pro-tem Farrell wanted to congratulate the winners of the recent election. Mayor Pro-tem Farrell also commended those who came out to vote.

Mayor Pro-tem Farrell stated the upcoming Thursday is the annual Holiday Bazaar at Page Memorial Church.

5. Financial Report

Manager Zell stated the Town is in the black in both funds. He stated \$100,000 was awarded through the Town, which the Town was to give to Partners in Progress for the efforts they had made in bringing business to the Town. Manager Zell stated the \$100,000 check was presented to Jimmy Thompson at Southeastern Tool and Die.

6. Old Business

- a. Consideration to sign agreement with architect for construction plans for Fire Dept. expansion project.

Commissioner Shannon questioned if the architect services should be bid out since it was for \$68,000. Manager Zell stated services do not have to be bid out. A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve the agreement with the architect for construction plans for the Fire Dept. Expansion Project. Motion unanimously carried.

7. New Business

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

Mayor Pro-tem Farrell clarified that this change would remove the architect and engineer errors from the language and change it to just staff errors. Planning Director Liles stated Attorney T.C. Morphis drafted this language for the Board. A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approve General Code of Ordinance Amendment GP#09-02: Variances to Address Good Faith Errors. Motion unanimously carried.

- b. Resolution to Submit a Pedestrian Planning Grant.

Planning Director Liles stated the goal is to get this resolution approved so the Town can submit by the December 14, 2009 deadline. A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to approve the Resolution to Submit a Pedestrian Planning Grant. Motion unanimously carried.

- c. Resolution for Sidewalk Enhancement Projects.

Planning Director Liles stated this resolution will support the four projects that have been submitted to NCDOT for the Town's wish list. A motion was made by Commissioner Shannon, seconded by Commissioner Wright, to approve the Resolution for Sidewalk Enhancement Projects. Motion unanimously carried.

- d. Resolution for Adoption of the Town of Aberdeen Greenway Conceptual Plan.

Planning Director Liles stated All American Associates delivered the Greenway Conceptual Plan to the Town recently. Planning Director Liles stated the Greenway Conceptual Plan would be an appendix to the Land Development Plan. A motion was made by Commissioner Shannon, seconded by Commissioner Wright, to approve the Resolution for Adoption of the Town of Aberdeen Greenway Conceptual Plan. Motion unanimously carried.

- e. Consideration to adopt a Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31.

Planning Director Liles stated this is the next step in the process to annex the Academy of Moore. A motion was made by Commissioner McMurray, seconded by Commissioner Shannon, to adopt a Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31. Motion unanimously carried.

- f. Accept the Clerk's Certificate of Sufficiency and adopt a Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for December 14, 2009.

A motion was made by Commissioner McMurray, seconded by Commissioner Wright, to accept the Clerk's Certificate of Sufficiency and adopt a Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for December 14, 2009. Motion unanimously carried.

8. Other Business

- a. Special Indoor Events as an Accessory Use (Information only – to be discussed at Work Session on December 3, 2009).

Manager Zell stated this item is for information only and will be discussed at the Work Session on Dec. 3, 2009.

- b. Status of TARPO projects.

Planning Director Liles stated this item was just for information only.

- c. Household Hazardous Waste Agreement.

A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve the Household Hazardous Waste Agreement. Motion unanimously carried.

9. Adjourn

With no further items for discussion or review, a motion was made by Commissioner Wright, seconded by Mayor Pro-tem Farrell, to adjourn the Board Meeting. Motion unanimously carried.

Regina M. Rosy, Town Clerk

Elizabeth B. Mofield, Mayor

Minutes were completed in
Draft form on November 10, 2009

Minutes were adopted on
December 14, 2009