

**ABERDEEN BOARD OF COMMISSIONERS
MINUTES
OF WORK SESSION
MAY 1, 2008 AT 5:30 P.M.**

The Aberdeen Board of Commissioners met Thursday, May 1, 2008 at 5:30 p.m. Members present were Mayor Elizabeth Mofield and Commissioners Pat Ann McMurray, Robbie Farrell, Jim Thomas, Donna Shannon and Walter Wright. Others in attendance were Town Manager Bill Zell, Town Clerk Nancy Matthews, Planning Director Kathy Liles, Deputy Planner Patti Jilson, P & R Director Leigh Baggs, Ray Ogden with Partners In Progress and Mary Griffin, Reporter for the Pilot.

Mayor Mofield called the Work Session to order. She stated that Mr. Ray Ogden was present to talk with the Board concerning a business incentive for Aberdeen. She stated the Board would need to go into Closed Session concerning this item.

A motion was made by Commissioner McMurray, seconded by Commissioner Wright, to go into Closed Session to discuss an economic development business incentive. Motion unanimously carried.

The Board returned from Closed Session to the regular Work Session. With no action taken, Mayor Mofield stated the Board would hear from Mr. Ray Ogden, Partners In Progress.

1. Presentation by Ray Ogden/Partners In Progress – Business Incentive.

Mr. Ogden informed the Board that Southeastern Tool and Die had been in the area over twenty years. He stated SE Tool & Die had come to him with an expansion plan to purchase a warehouse building located on 105 Taylor Street. He stated there was a significant amount of upfit to make the building usable and one of the needs was a sprinkler system at the cost of \$80,000.00. He stated the Town had agreed to provide \$20,000.00 of this cost based on Mr. Thompson hiring twenty-five (25) people and making a capital investment of \$2.0 million. He stated an agreement was previously signed with a six (6)-month time frame to accomplish. He stated the company moved

in, hired the people but did not get to the full \$2.0 million investment, so no funds were disbursed and the contract agreement has expired.

Mr. Ogden stated, currently the company is in need of further expansion and has a contract to purchase the Intek building also located on Taylor Street. He stated this purchase will allow adding equipment that will put the company over \$2.0 million in the investment. He stated the company has already reached the employee goal and they are asking if the Town will extend the time frame on the incentive and once the new investment is in place, provide SE Tool & Die with the \$20,000.00.

Mr. Ogden also stated the roof on the Intek building is in bad condition and needs \$20,000.00 of repair. Moore County Partners In Progress has prepared an application to the NC Rural Center under a Building Reuse Grant Program to provide the \$20,000.00. He stated the grant must be submitted through the Town and the Town must provide a 2% match or \$6,000.00. He stated the proposal is for the Town to do this, but deduct the \$6,000.00 from the \$20,000.00 as agreed previously.

After some discussion, a motion was made by Commissioner Wright, seconded by Commissioner Thomas, to agree to amend the original grant agreement in the amount of \$14,000.00 as well as to participate in the Rural Center Grant as the recipient and a match of up to \$6,000.00. Motion unanimously carried.

Mayor Mofield then signed the two letters to NC Rural Economic Development Center applying for the Building Reuse and Restoration Grant Program – SE Tool Project for Mr. Ogden to deliver to Raleigh on Friday, May 2, 2008.

Mr. Ogden thanked the Board on behalf of Moore County Partners In Progress and Southeastern Tool & Die for their cooperation and willingness to support local businesses in Aberdeen.

2. Voluntary contiguous annexation by Quality Built Homes for Lots 17-a, 17-b and 18, Magnolia Drive.

Planning Director Kathy Liles stated this item is ready for Public Hearing and action at the May 12th Board meeting. She also informed the Board if the State calls for a moratorium on statutory annexations, then the Town should consider all voluntary annexations. **Agenda item as Public Hearing and New Business.**

3. Application for Conditional Use Permit CU#08-01 and Site Plan Review SP#08-02 submitted by Perry Johnson for an office/storage facility located at the corner of Aqua Shed Court and Ridgeline Road.

Planning Director Liles stated Mr. Johnson has submitted an application for an office/storage warehouse facility which is in the C-I Commercial and Industrial (Light) District and requires a conditional use permit for mini-storage warehouses. She stated the ordinance also requires a site plan be submitted in conjunction with the conditional use permit application.

Planning Director Liles stated the Planning staff has determined that CU#08-01 and Site Plan SP#08-02 are consistent with all site plan requirements and Findings of Fact. She also stated the Planning Board has reviewed and recommends to the Town Board approval of CU#08-01 and SP#08-02. She also stated the Planning staff recommends the Board consider testimony they received at the Public Hearing of April 14th and agenda this item for final action at the May 12th regular Board meeting. **Agenda item as New Business.**

4. Application for Conditional Use Permit CU#08-02 submitted by Brandi Thomas for a Home Occupation (Childcare) located at 102 Vincent Way.

Planning Director Liles stated the Public Hearing was held at the April 14th Board meeting. She stated Ms. Thomas has submitted an application for CU#08-02 for a home occupation (Childcare). She stated Ms. Thomas will be licensed through the N. C. Health and Human Services – Div. of Child Development. She then stated State Regulations allow a home daycare to provide for six children. She

stated the Town's Zoning Ordinance requires a conditional use permit for all home occupations. She also read the conditions as recommended by the Planning Board. She stated that Staff recommends the Board consider the testimony received at the April 14th Public Hearing and agenda this item for final action at the May 12th regular Board meeting.

Commissioner Farrell requested to add to the Conditional Use Permit the word "total, to include any children in the household."
Agenda item as New Business.

5. **Application for Conditional Use Permit CU#08-04 (to amend CU#07-07 and Site Plan Review SP#07-08) submitted by Ted Thomas to add three additional storage units in the rear of the property located at 136 Industrial Way.**

Planning Director Liles stated Mr. Thomas submitted an application to amend CU#07-07 and SP#07-08. She stated the amendments include adding three additional storage units in the rear of the property for RV and boat storage. She stated the buildings will be constructed of the same material as existing approved structures.

Planning Director Liles stated all other landscaping and site plan requirements have been met. She stated the Planning Board has reviewed and unanimously recommends to the Town Board approval of this conditional use permit and site plan review request. She stated the Planning staff recommends the Board agenda this item for a Public Hearing at the May 12th Board meeting. **Agenda item as Public Hearing.**

6. **Application for Conditional Use Permit CU#08-05 (to amend CU#07-12 and Site Plan Review SP#07-15) submitted Staff (Rick Knight and Jamie Johnson for a multi-family planned development at the corner of Hwy. 211 and Main Street to provide a fire service and emergency access road.)**

Planning Director Liles stated this item was at the request of the Planning staff. She stated after further review by Public Works Director, Rickie Monroe and Fire Inspector, Richard Allred, it was determined a second fire hydrant would be installed at the southeast

corner of the property next to Hwy. 211 and no emergency access road is needed off Main Street. She stated Fire Inspector Allred has reviewed and stated the placement of the new fire hydrant meets all state requirements.

Planning Director Liles stated the Planning Board has reviewed and unanimously recommends to the Town Board approval of CU#08-05. She stated the Planning staff recommends the Board agenda this item for a Public Hearing at the May 12th regular Board meeting and also take action since this is just only to amend the final order. **Agenda item as Public Hearing and New Business.**

7. **Application for Conditional Use Permit CU#08-06 submitted by Stover Homes, Inc. to construct five (5) duplex units in place of Buildings G, H and I at Lighthorse Trace, Saunders Blvd.**

Planning Director Liles stated this item will be open for discussion at the May 12th Board meeting. She stated the applicant's request consists of constructing five (5) duplex units in the place of Buildings G, H and I. She stated this will decrease the number of units from twelve (12) to ten (10). She stated the Planning Board has reviewed and unanimously recommends approval to the Town Board. She stated the Planning staff recommends the Board agenda this item for a Public Hearing for the May 12th regular Board meeting. **Agenda item as Public Hearing.**

8. **Application for Site Plan Review SP#08-06 and SP#08-07 submitted by R & M Commercial Real Estate, LLC. for a six (6) unit condominium to be located on Pine Street (Lots 104-106) between Argyll and Lori Lane and a three(3)-unit condominium at East South Street.**

Planning Director Liles stated the applicant has met zoning and dimensional requirements, parking and driveways. She gave a power point presentation showing landscaping and requirements, building elevations, water and wastewater and the installation of sidewalks. She stated the applicant has not provided a drainage plan or calculations but proposes to collect roof runoff and route it to a drainage ditch along the front of the property.

Planning Director Liles stated the Planning Board has reviewed and recommends approval to the Town Board. She also stated the Planning staff recommends the Board agenda this item for the May 12th regular Board meeting for action. **Agenda item as New Business.**

9. Application for Site Plan Review SP#08-08 submitted by Dave Thomas to construct a Quick Lube Service Center to be located at 211 Dogwood Drive.

Planning Director Liles stated the applicant has requested site plan approval to construct a Quick Lube Service Center on property located at 211 Dogwood Drive which is located behind Wilco-Hess, LLC. She stated the site plan regulations require a minimum of 60% of the front façade and 25% of each side façade be constructed of glass, wood, brick, stone, split-face block, pre-cast concrete, vinyl lap siding or architectural concrete. She stated the face of the building will consist of stucco, the roll up doors will be single-pane “Lexan” glazing type.

Planning Director Liles stated the service station parking requirements stipulate one parking space per 400 square feet of building. She stated the proposed building is approximately 2,145 square feet, which would require five (5) parking spaces. She stated the site plan provides for eight (8) parking spaces and one (1) handicap-van accessible parking space. She stated the parking lot will be constructed of asphalt pavement and the dirt area will also be paved. She also stated there will be a fifteen (15)-foot buffer for the house located on the left on Dogwood Drive.

The Board asked about installing sidewalks on Dogwood Drive. Planning Director Liles is to research the right-of-way easement and bring information back to the Board. **Agenda item as New Business.**

10. Application for a Zoning Code Text Amendment ZA#08-01 submitted by the Planning staff for the Downtown Retail Overlay District.

Planning Director Liles stated an amendment to the DROD was submitted by Page Memorial Methodist Church, was reviewed and

originally recommended for denial by the Planning Board. She stated the applicant then submitted revised language. The Board looked at the church's submittal and sent it back to the Planning Board. She stated the Planning Board reviewed it but again, recommended denial of their request. She stated the Board had three options: a) Choose to amend the ordinance and hold a Public Hearing; b) Choose not to hold a Public Hearing and do nothing; c) Vote to deny the text amendment.

With little discussion, a motion was made by Commissioner McMurray, seconded by Commissioner Shannon, to accept the Planning Boards' recommendation in denying ZA#08-01. Motion unanimously carried.

11. Application for Zoning Code Text Amendment ZA#08-02 submitted by Planning staff to provide additional standards governing site plan requirements for metal building.

Planning Director Liles stated that a Public Hearing has been conducted and that this item is ready for action by the Board. The Board then discussed to include language to exempt metal buildings for bonafide agricultural activities as well as changing the allowable site for accessory buildings. Agenda item as New Business.

12. Bid Opening/Sanitary Sewer Extension to serve Magnolia Drive.

Manager Zell informed the Board that informal bids were received by the Town's consulting engineering firm, Hobbs, Upchurch & Associates, P.A., for the sewer extension to serve Magnolia Drive with five (5) bids being submitted. He stated the low bid was submitted by Empire Construction. He stated, based on experience with the low bidder, that Hobbs, Upchurch & Associates, P. A. recommend the Town award the project to Empire Construction for their low bid amount of \$81,953.57.

A motion was then made by Commissioner Thomas, seconded by Commissioner Wright, to award the sanitary sewer extension to serve Magnolia Drive to Empire Construction in the amount of \$81,953.57. Motion unanimously carried.

12a. Mr. Jerry Vaughan, who resides in the Bethesda Farm Subdivision, spoke to the Board concerning the Basil Group who plans to develop the property adjacent to this subdivision and borders Hwy. 211. He stated there are forty-two (42) homes projected in this development that would enter and exit on Devonshire Trail which has about ninety-five (95) homes. He stated he had no problem with the homes, but does have a problem with the increased traffic. He asked that the Board consider some type of resolution to keep this proposed development and traffic from accessing through Devonshire Trail.

13. Budget Capital Projects prior to June 30, 2008.

Manager Zell informed the Board there are quite a few capital outlay items that have been put in next year's budget that could be purchased prior to June 30th of this year. He stated the only other item is the equipment necessary for the purchase of a new pumper truck for the Fire Department. He stated the truck has been ordered but will not be ready until the end of the calendar year. He stated if this equipment could be purchased in this year's budget, it would help in budgeting items in next fiscal year's budget. He stated the amount needed would be less than \$200,000.00. He informed the Board the pumper truck is being piggybacked with a town in Mississippi.

Manager Zell stated that the fire department accessory building is included in this amount and approval is needed to grant the Planning Director authority for Administrative Site Plan Review.

After some discussion, a motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve the capital project items to be purchased prior to June 30th, not to exceed \$200,000.00. Motion unanimously carried.

14. Amendment to 152 Code of Ordinances – Historic Preservation Commission.

Planning Director Liles stated the Planning Staff requested the Board of Commissioners amend the language in creating the Historic Preservation Commission to provide for an alternate member for this Board. She stated the current code provided for a Board consisting of five members serving four-year terms. She stated this Commission

meets routinely and considers Certificates of Appropriateness for development related activities in the Historic District. She stated because COA's require the exercise of judgment and not just the application of standards, these proceedings are quasi-judicial in nature. As such, all actions require a four-fifths majority. She stated since the Board is very small, the absence of two members can result in a meeting being cancelled and the absence of one member may skew the majority vote. She stated in order to ensure that the interests of the residents of the Town are protected, the Planning staff recommends that the language be amended to provide for an alternate who may vote when a member is absent.

Planning Director Liles stated Ms. Shirley Starkey has submitted an application to serve on the Commission. She stated no other applications have been received. She asked, should the Board elect to make the text amendment to include alternates, that Planning staff also encourages the Board to consider appointment of Ms. Starkey to the alternate position.

Mayor Mofield asked if any Board member wanted to submit a name to submit at the May 12th Board meeting. **Agenda item as New Business.**

Commissioner Shannon requested training be provided for the Commission members.

15. Resolution to accept Surety Bonds for Forest City, Phase I (Townhomes).

Planning Director Liles informed the Board that Forest City Enterprises, also known as FC Pinehurst, has submitted three (3) surety bonds for completion of the infrastructure in Phase I of Legacy Lakes and has asked the Board to accept the surety and release the final plat for signature by the Planning staff. She stated this request conforms to the requirements of the Subdivision Regulation of the Town. She stated the Planning staff recommends the Board adopt a resolution accepting the surety bonds as a performance guarantee and that these bonds shall remain in effect until such time as all infrastructure improvements are completed to Town specifications.

A motion was then made by Commissioner Wright, seconded by Commissioner Thomas, to adopt the Resolution to Accept Surety Bonds for Infrastructure Improvements for Legacy Lakes, Phase I, Map 3 – sidewalk, curb, paving; Phase 1, Map 2 – sidewalk improvements and 1” overlay; Phase 1, Map 2 – paving costs for local subdivision roads at a total amount of \$262,176.36. Motion unanimously carried.

16. Fee Schedule for Parks & Recreation/new building.

Parks & Recreation Director Leigh Baggs reviewed with the Board the proposed facility reservation application, the proposed fees and an agreement for rental of the rooms in the new recreation building. She stated the drafts were based on room size, the old rates and rates charged by the adjoining municipalities.

The Board discussed these items and had some concerns pertaining to discounts for 5013c status for non-profit organizations, and some multi-use requests. Commissioner McMurray requested a fee schedule be added for the rental of the picnic shelters. Several of the Board members felt some of the fees were too low.

The Board will review changes at the next Work Session.

17. Dedication of new Aberdeen Lake Park Recreation Station.

A copy of the invitation and program agenda were reviewed by the Board. Several changes were made and individuals were considered for spots on the program. The dedication is scheduled for Sunday, May 18th with the Open House from 2 – 3 p.m. with program and dedication to begin at 3 p.m.

18. Consideration of a nine-month moratorium on the processing of development applications and the consideration of development approvals including conditional use permits and subdivision plat applications for all new multi-family housing units within the Town of Aberdeen zoning jurisdiction including apartments, condominiums, townhomes and duplexes. (P.H. was held on April 14th)

Planning Director Liles distributed to the Board a memorandum received from the Moore County Chamber in which their members oppose the consideration on the nine-month moratorium. She stated, in their memorandum, the Chamber has listed five (5) additional areas they would like the Board to consider when looking at imposing this moratorium and consider the negative impact it would have in this area.

Planning Director Liles informed the Board that a meeting was held on April 24th with a group from the Homebuilders Association, along with Planning staff, Police Chief and Fire Chief, to discuss this issue. She stated that Jeremy Rust with LandDesign, assisted with some strategy for addressing zoning/land use issues and study of future land use in Aberdeen. She stated the Homebuilders Association will help pay for this study. The Board then received a copy of a Future Land Use Map delineating areas where multi-family development is permitted.

The item was discussed at length. Planning Director Liles is to compile three options in which the Board may consider. These options will be forwarded to the Board for their review at the next Work Session.

19. Other Business

- a. Manager Zell distributed to the Board a list of items to be declared surplus. He stated this would be on the May 12th agenda for consideration. **Agenda item as New Business.**
- b. Manager Zell informed the Board the brick sign at the police department is almost completed.

- c. Manager Zell informed the Board that on May 22nd, the Business After Hours will be held at Legacy Lakes.
- d. Manager Zell informed the Board the new picnic shelter to be constructed at the lake will be just a little bit larger than originally planned due to the structure. He distributed to the Board a picture of the proposed shelter and how it will blend with the new parks & recreation building. The Board requested that the roof come over the concrete pad to alleviate splatter from rain.
- e. Mayor Mofield asked that signs pertaining to noise be placed at Woodgreen Apartments.
- f. The Board directed Planning staff to begin work on request for pricing/quotes for consultant services pertaining to multi-family moratorium. Planning Director Liles is working with Mr. Jeremy Rust of LandDesign on RFP/RFQ.

20. Adjournment

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

Nancy M. Matthews, Town Clerk

Elizabeth B. Mofield, Mayor

Minutes were completed in draft
form on May 7, 2008

Minutes were adopted on
May 12, 2008