

# **TOWN OF ABERDEEN BOARD OF COMMISSIONERS**

## **MINUTES REGULAR BOARD MEETING JUNE 9, 2008**

The Aberdeen Board of Commissioners met Monday, June 9, 2008 at 6:00 p.m. for their regular Board meeting. Members present were Mayor Elizabeth B. Mofield and Commissioners Pat Ann McMurray, Donna Shannon, Jim Thomas, Robbie Farrell and Walter Wright. Others in attendance were Town Manager Bill Zell, Planning Director Kathy Liles, Deputy Planner Patti Jilson and Mary Griffin, Reporter for the Pilot Newspaper. Town Clerk Nancy Matthews was unable to attend.

### **1. Call to Order**

Mayor Mofield called the meeting to order at 6:05 p.m. She welcomed all who were in attendance and stated there were two Public Hearings to be held.

### **PUBLIC HEARINGS**

#### **a. Proposed FY2008-2009 Operating Budget/Budget Message**

Mayor Mofield opened the first Public Hearing for public comments and Board discussion on the proposed FY2008-2009 Operating Budget and the Manager's Budget Message.

Manager Zell appeared before the public and Board and stated he was submitting for their review, the proposed FY2008-2009 Operating Budget for the Town of Aberdeen at a cost of \$8,021,842.00. He then read the Manager's Budget message and stated the budget is presented with an overall 8.75 percent increase in the total Town property assessment.

Manager Zell continued with his Budget Message by review of the General Fund of proposed additional personnel, review of the Town facilities, upcoming Capital Outlay, special appropriations and 2008-2009 additional revenues. Manager

Zell then reviewed the Water and Sewer Fund of proposed Capital Outlay needs, upcoming Water and Sewer Capital Projects and no increase in water/sewer utility rates.

In conclusion, Manager Zell stated he would like to express his appreciation to all department heads and other key staff for their help in preparing this budget and the budget document. He also stated he would like to thank the Mayor and Town Board for their input in the budget process and for their continuing support for both him and staff.

With no public comments or Board discussion, Mayor Mofield closed the Public Hearing on the proposed FY2008-2009 Operating Budget for the Town of Aberdeen.

**b. 2009 CDBG Community Development Block Grant**

Mayor Mofield then opened the Public Hearing on the 2009 CDBG Community Development Block Grant for public comments and Board discussion.

Manager Zell stated this Public Hearing is, in general, is to go for another grant. He stated the State's requirement is to hold two Public Hearings. He stated this Public Hearing is to acknowledge that the Town will be applying for a grant.

Mr. Ray Manieri of All American Associates, briefly spoke stating the Town is interested in applying for a 2009 CDBG Community Revitalization grant. He stated N. C. Division of Community Assistance regulations require that an applicant have two Public Hearings during the application preparation process. He stated the first, a generic, non-specific hearing about general grant activities, is held early in the grant preparation process. He stated the second Public Hearing to be held in August, which will be a more specific and detailed hearing, is about the specific grant project being submitted and is held prior to the submission of the grant application.

With no further comments or Board discussion, Mayor Mofield closed the Public Hearing on 2009 CDBG Community Development Block Grant.

Mayor Mofield asked Mr. Manieri about downtown revitalization grants for sidewalks, streetscapes and infrastructure. Manager Zell stated he will check with some of the other towns to find out where they received funding for these type projects.

## **2. Setting of the Agenda**

With no additions or deletions, a motion was made by Commissioner Farrell, seconded by Commissioner Thomas, to approve the Setting of the Agenda as presented. Motion unanimously carried.

## **3. Approval of the Consent Agenda**

### **a. Minutes of May 12<sup>th</sup> and Work Session of May 29<sup>th</sup>.**

Motion made by Commissioner Shannon, seconded by Commissioner Thomas, to approve the Consent Agenda as presented. Motion unanimously carried.

## **4. Informal Discussion and Public Comments**

- a. Mayor Mofield stated an equine conservation teacher from Pinecrest High School, rode her horse in the downtown area of Aberdeen. She stated lots of people stopped and talked to her. Mayor Mofield stated this teacher wanted to get with her horse friends and see if there could be some areas and possible trail ways for horse-back riding and possible enlarging her circle of friends to ride the trails.
- b. Mr. Ted Thomas appeared before the Board stating he has three hundred loads of dirt and offered it to the Town if needed. Mr. Thomas was instructed to contact Rickie Monroe and also contact the Malcolm Blue Farm.

## **5. Financial Report**

Manager Zell reported to the Board as the end of May, the budget is still in the black. He stated in the General Fund was a balance of \$342,009.21 and in the Water/Sewer Fund, a balance of \$83,997.00. He stated at the end of the fiscal year, there are more expenses than revenues coming in. He stated that the Town was still in sound condition for FY2007-2008.

## **6. Old Business**

There was no Old Business for the Board to consider.

## **7. New Business**

- a. Consideration to accept a petition for voluntary non-contiguous annexation by David and Rebecca Watts for property located at 120 Longleaf Circle and adopt a Resolution Directing the Clerk to Investigate a Petition Received under G.S. 160A-58.2.**

A motion was made by Commissioner Shannon, seconded by Commissioner McMurray, to accept a petition for voluntary non-contiguous annexation by David and Rebecca Watts for property located at 120 Longleaf Circle and adopt a Resolution Directing the Clerk to Investigate a Petition Received under G.S. 160A-58.2. Motion unanimously carried.

- b. Accept the Clerk's Certificate of Sufficiency and adopt a Resolution Fixing Date of Public Hearing on Question of Annexation to G.S. 160A-58.2 for August 11, 2008.**

A motion was made by Commissioner Wright, seconded by Commissioner McMurray, 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-58.2. Motion unanimously carried.

**c. Consideration of approval of 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.**

A motion was made by Commissioner Farrell, seconded by Commissioner Thomas, to approve 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 with the following:

Findings of Fact

1. That all parties were duly noticed.
2. That Ted Thomas, the applicant, proposed to operate a R.V. and Boat Warehouse Facility on property identified by the Moore County Tax records as LRK#48790.
3. That the application for the R.V. and Boat Warehouse Facility was accepted on March 26, 2008 by the Town of Aberdeen Planning Department.
4. That Ted Thomas owns the property upon which the proposed R.V. and Boat Warehouse Facility will be situated.
5. That the proposed site details are as follows: Zoning: C-I Commercial Industrial (Light) District; Adjacent Zoning: C-I Commercial Industrial (Light) District; Acreage: 2.95 (+/-); Watershed: No; Floodplain: No; Historical Use: Industrial/Vacant Land.
6. That a R.V. and Boat Warehouse Facility require a conditional use permit in the C-I Commercial & Industrial (Light) Zoning District.
7. Upon a motion to approve the conditional use permit, the Town of Aberdeen Planning Board voted unanimously to approve the conditional use permit application and forwarded such recommendation to the Board of Commissioners.
8. If constructed in accordance with the site plan submitted and subject to the additional conditions listed below and in compliance with the Town's Ordinances and Codes, the establishment, maintenance, or operation of the R.V. and Boat Warehouse Facility will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
9. The proposed use is consistent with uses on properties in the immediate vicinity. Therefore, the R.V. and Boat Warehouse Facility will not be injurious to the use and enjoyment of other property(s) in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
10. That the establishment of a R.V. and Boat Warehouse Facility will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the C-I Commercial & Industrial (Light) Zoning District.
11. That the exterior architectural appeal and function plan of the proposed RV and Boat Facility will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.

12. That adequate utilities, access roads, drainage, and necessary facilities have been provided, as shown on Site Plan Review SP#07-08.
13. That adequate measures have been taken to provide ingress and egress so designed to minimize traffic congestions in the public streets.
14. That the conditional use shall, in all other respects, conform to the applicable regulations of the C-I Commercial & Industrial (Light) Zoning District in which it is located, except as such regulations may be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board.
15. That the landscaping will be installed in accordance with Section 155.190 Landscaping of the Zoning Ordinance.

### CONDITIONS

1. No office space shall be located on site.
2. Units may not be used for any other purpose storage.
3. No tires or waste materials may be stored on site.
4. Carolina Yellow Jasmine planted along fence.

### CONCLUSIONS OF LAW

1. That the Town of Aberdeen Board of Commissioners has jurisdiction over the persons and subject matter in this action and that the parties are properly before this Board.
2. That the applicant, Ted Thomas, satisfied all of the requisite standards pursuant to the Town of Aberdeen Zoning Ordinance.
3. That sufficient evidence was presented by Ted Thomas to satisfy the requirements of the Town of Aberdeen Zoning Ordinance.

### IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the applicant satisfied all of the requisite standards pursuant to the Town of Aberdeen Zoning Ordinance.
  2. Based upon the evidence submitted and the above Findings of Fact and additional conditions, the application for a Conditional Use Permit for the RV and Boat Warehouse Facility to be located at 136 Industrial Way is hereby approved.  
Motion unanimously carried.
- d. Consideration of approval of Application for Conditional Use Permit CU#08-06 submitted by Stover Homes, Inc. to construct five duplex units in place of Buildings G, H and I at Lighthorse Trace, Saunders Blvd.**

A motion was made by Commissioner Thomas, seconded by Commissioner Shannon, to approve Application for Conditional Use Permit CU#08-06 submitted by Stover Homes,

Inc. to construct five duplex units in place of Buildings “G, H and I at Lighthouse Trace, Saunders Blvd. with the following:

### FINDINGS OF FACT

1. That all parties were duly noticed.
2. That Stover Homes, the applicant, proposed to amend the previously approved Conditional Use Permit CU#05-08.
3. That the application for the Conditional Use Permit amendment was accepted on March 20, 2008 by the Town of Aberdeen Planning Department.
4. That the proposed amendments to CU#05-08 include construction of five duplex units in place of the three approved quadplex.
5. That Stover Homes owns a particular piece of property upon which the proposed amendment will apply.
6. That the proposed site details are as follows: Zoning: R-6 Residential; Adjacent Zoning: R-6 Residential; Acreage: 6.78 acres (+/-); Watershed: No.; Floodplain: No; Historical Use: Multi-family.
7. That any modifications to an approved conditional use permit require the applicant to reapply for a conditional use permit and receive approval by the Board of Commissioners.
8. Upon a motion to approve the conditional use permit, the Town of Aberdeen Planning Board voted unanimously to approve the conditional use permit application and forwarded such recommendation to the Board of Commissioners.
9. That the establishment, maintenance or operation of the proposed curb and gutter system will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare.
10. That the modification of CU#05-08 to allow Stover Homes to construct five duplex units in place of three quadplex structures will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish, and impair property values within the neighborhood.
11. That the establishment of the Lighthouse Trace will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R-6 Residential Zoning District.
12. That the exterior architectural appeal and function plan of the proposed development in its entirety will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.
13. That adequate utilities, access roads, drainage and necessary facilities have been provided as shown on the previously approved Conditional Use Permit CU#05-08.
14. That adequate measures have been taken to provide ingress and egress so designed to minimize traffic congestion in the public streets.
15. That the conditional use shall, in all other respects, conform to the applicable regulations of the R-6 Residential Zoning District in which it is located, except as such regulations may be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board.

### ADDITIONAL CONDITIONS

1. All other conditions set forth in the previously approved Conditional Use CU#05-08 shall remain the same.

## CONCLUSIONS OF LAW

1. That the Town of Aberdeen Board of Commissioners has jurisdiction over the persons and subject matter in this action and that the parties are properly before this Board.
2. That the applicant, Stover Homes, satisfied all of the requisite standards pursuant to the Town of Aberdeen Zoning Ordinance.
3. That sufficient evidence was presented by Stover Homes to satisfy the requirements of the Town of Aberdeen Zoning Ordinance.

### IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the applicant satisfied all of the requisite standards pursuant to the Town of Aberdeen Zoning Ordinance.
2. Based upon the evidence submitted and the above Findings of Fact, the application for Conditional Use Permit “CU#08-065 to amend the previously approved CU#05-08 to allow Stover Homes to construct five duplex units in place of three quadplex.  
Motion unanimously carried.

**e. Consideration of approval of General Purpose Text Amendment GP#08-04 Consumption of Alcoholic Beverages on Public Property.**

Planning Director Liles informed the Board an additional phrase has been added to this text amendment for clarification: “Consumption is limited to the inside of the recreation building only”.

A motion was made by Commissioner Shannon, seconded by Commissioner McMurray, to approve General Purpose Text Amendment GP#08-04: Consumption of Alcoholic Beverages on Public Property as amended. Motion unanimously carried.

**f. Consideration to adopt Fee Schedule for the Lake Park Recreation Station.**

P & R Director Baggs informed the Board she had received comments from several other recreational facilities that some of the fees for the recreation building were too low. She stated these have been reviewed and adjusted. She also informed the Board that the minimum interior number of hours have been changed from a 3-hr. minimum to a 2-hr. minimum. Also change the use of the outdoor shelter/s to \$20. She stated that someone could also use a county deputy during activities when there is the consumption of alcoholic beverages. She then reviewed with the Board the fees for use of the outdoor shelters within all the parks.

A motion was made by Commissioner Shannon, seconded by Commissioner McMurray, to approve the Fee Schedule for the Lake Park Recreation Station and other parks as amended. Motion unanimously carried.

**g. Consideration of three appointments/re-appointments to the Planning Board.**

Planning Director Liles stated she had placed a packet at each member's seat identifying all the potential parties in this issue. She stated, in going back and re-examining the Planning Board's construction, she wanted to clarify Ms. Elease Goodwin's appointment. She stated that Ms. Goodwin's original appointment started before the Board amended the Code of Ordinances to provide serving two terms. She stated in order to become consistent with the other parties that had served before, this will allow Ms. Goodwin to serve one more term. She stated that her name can be added for consideration to serve and also to add Bill Prevatte. She stated that Mr. Prevatte is presently serving as an in-town alternate. She stated she had an additional name, Mr. Johnny Ransdell, as a potential ETJ appointee and Sarah Ahmad as in-town alternate.

A motion was then made by Commissioner McMurray, to appoint Elease Goodwin and Bill Prevatte to serve as in-town

regular members and in-town alternate, Sarah Ahmad; ETJ regular member, Johnny Ransdell. Seconded by Commissioner Thomas. Motion unanimously carried.

**h. Consideration of approval of Contract for the Provision of Redevelopment Project Management and Grant Administration Services.**

Manager Zell informed the Board that part of the grant process required the Town to send out RFP's for grant services and the only one RFP received was from All American Associates. He stated the Board just needed to approve this contract in order for the Town to move forward.

Mr. Manieri requested the Board approve the contract services of All American Associates pending approval from the DCA.

A motion was then made by Commissioner Thomas, seconded by Commissioner McMurray, to approve the Contract for the Provision of Redevelopment Project Management and Grant Administration Services of All American Associates pending approval from the Division of Community Assistance. Motion unanimously carried.

**8. Other Business**

**a. Water & Wastewater System Extension.**

Manager Zell distributed to the Board a draft policy manual: Water and Wastewater System Extension and Connection. He stated this proposed policy has to do with part of the annexation project that the Town is currently working on. He stated he needed the Board to review so it can be discussed at the July 31<sup>st</sup> Work Session. He stated this has to be approved 180 days/6 months, prior to the adoption of the Resolution of Intent.

Planning Director Liles stated the 180-day target date will be August 26<sup>th</sup>.

- b. Mayor Mofield reminded all those who were in attendance that there would not be a regular Board meeting for July. She stated the next meeting would be the July 31<sup>st</sup> Work Session.
- c. The Board will meet Monday, June 16<sup>th</sup> at 5:00 p.m. to consider adoption of the budget.
- d. June 12<sup>th</sup> is the grand opening for the Legacy Development.

## 9. Adjournment

With no further items for review or action, motion was made by Commissioner Wright, seconded by Commissioner Farrell, to adjourn the meeting. Motion unanimously carried. Meeting adjourned at 7:20 p.m.

---

Patti Jilson, Deputy Planner

Minutes were completed in  
draft form on June 19, 2008

---

Robert A. Farrell, Mayor Pro-tem

Minutes were adopted  
August 11, 2008