

**TOWN OF ABERDEEN BOARD OF COMMISSIONERS  
MINUTES OF  
JULY 31<sup>ST</sup> AND AUGUST 1<sup>ST</sup> WORK SESSION**

**JULY 31, 2008**

The Aberdeen Board of Commissioners met Thursday, July 13, 2008 at 5:30 p.m. for their regular Work Session. 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, Public Works Director Rickie Monroe, Town Attorney Michael Brough, Ray Manieri with All American Associates, Jeremy Rust with LandDesign, Inc., and Mary Griffin, Reporter for The Pilot.

Mayor Mofield called the Work Session to order. She welcomed all those who were in attendance. She then stated the Board would need to go into Closed Session for the purpose of Attorney/Client Privilege.

A motion was then made by Commissioner Farrell, seconded by Commissioner Wright, to go into Closed Session for Attorney/Client Privilege – Appeal to the Board of Commissioners by the Basil Group, LLC. Motion unanimously carried.

- 1. Closed Session: Attorney/Client Privilege – Appeal to the Board of Commissioners by the Basil Group, LLC.**

The Board went into Closed Session.

The Board left Closed Session and returned to the regular Work Session. The consensus of the Board was to place this item on the August 11<sup>th</sup> Regular Board Meeting Agenda for action. **Agenda item as New Business.**

**2. Project Development Agreement between Johnson Controls, Inc. and the Town of Aberdeen to conduct an evaluation of the Town's buildings, facilities and operations in an effort to identify "energy savings".**

Manager Zell gave the Board a brief update on the current status of this proposed project. He then explained about the automated radio reading system stating that Johnson Controls will visit every building for energy efficient measures will send various utility meters to be tested and will come back to the Board with a report as to whether there will be a savings to the Town. He stated it will take over a year to test various utility meters, buildings and facilities to determine if we have a project where cost savings will pay for the cost of the system.

After further discussion and giving a timeline for this project, Manager Zell stated the Board would need to consider whether they desired to proceed with the contract. **Agenda item as New Business.**

**3. Water and Sewer Extension Policy and Code Amendment for the Town of Aberdeen's utility services.**

Commissioner Wright asked that this item be placed last on the agenda.

**4. 2008 CDBG Revitalization Grant – Bethune Street Redevelopment Project.**

Mr. Ray Manieri of All American Associates briefly spoke to the Board, stating he is in the process of preparing a 2008 CDBG Community Revitalization Grant Application for the Town's submission to the NC Division of Community Assistance. He stated the application will provide the Town with another opportunity to obtain funds to implement the Bethune Street Redevelopment Project to revitalize the section of Bethune Street between Keyser Street and NC 211 Highway. He stated the previous grant submitted in January of 2007 was not funded. He stated that unfortunately, the grant only scored 640 points and was beaten out by other grants that scored from 800 to a maximum of 1,000 points.

Mr. Manieri stated the application would involve a variety of redevelopment activities to include:

- Purchase of five (5) lots
- Demolition of only one (1) dilapidated home
- Rehabilitation of six (6) owner and renter houses
- Widening and repaving of Bethune St. with curb and gutter, sidewalk and drainage improvements, and new cul-de-sac streets
- Extension of Town sewer service to the area
- Development of seven (7) affordable homes by Habitat of Moore County, which could boost the Town's tax base by \$700,000.00

Mr. Manieri stated there were two resolutions that needed to be approved and also the Town must hold a Public Hearing, which has been scheduled for the August 11<sup>th</sup> Board meeting. He also informed the Board that if the Town would increase their cost to \$90,000.00, this would earn extra points and the Town could do an innovative project. **Agenda item as Public Hearing and New Business.**

**5. Application for Rezoning RZ#08-01 by Dave Thomas that the property located on the south side of Dogwood Drive and containing .41 acre rezoned from R-20 Residential to HC Highway Commercial.**

Planning Director Liles informed the Board that Mr. Dave Thomas has requested that the property located on the south side of Dogwood Drive be rezoned from R-20 Residential to HC Highway Commercial. She stated the property is currently being used for the overflow customer business and employee parking for Thomas Tire. She stated this use is not consistent with the designated land use. She stated the closest residential use is 23 feet from the proposed rezoning and the surrounding property uses include residential on the south and east side and commercial to the west and north side.

Planning Director Liles stated, if the property is rezoned, the property owner will have to meet all requirements with a fence to

surround the side and back with shrubs/vegetation to be on outside of fencing.

Mr. George Schofield who resides at 407 Dogwood Drive and is the adjoining property owner, briefly spoke stating he had no problem with Thomas Tire; he just did not want this property to become a parking lot. He stated he wanted the vacant lot to remain as is and he would install his own fencing.

After a lengthy discussion, Planning Director Liles stated the Planning Board had reviewed this rezoning request and unanimously voted to deny and recommends denial to the Town Board. **Agenda item as Public Hearing.**

#### **6. Consultant Selection for Multi-family Study.**

Planning Director Liles informed the Board that following adoption of the multi-family moratorium on May 12, 2008, that the staff published a RFP to seek a consultant to assist in a multi-step process to assess the status of multi-family housing and propose revisions to the Zoning Regulations and Land Development Plan as appropriate. She stated that four responses were received as follows: LandDesign, Holland Consulting Planners, Inc., SELLS/Design Studio and Benchmark CMR, Inc. She stated an informal panel was convened to review the proposals and to sit in on interviews with all four candidates.

Planning Director Liles stated following interviews with all four firms, the panel felt it was important to bring the top two candidates to the Board for consideration: LandDesign and Holland Consulting Planners. She stated each firm had decided strengths; however, the projected range of work varied in scope and outcome. She stated both firms clearly understood the Town's needs.

Planning Director Liles then gave the two firms' strengths, experience and cost estimates and stated both would provide graphics to project build-out scenarios. She stated that digital models could be performed as well.

Planning Director Liles stated the panel recommended that if the budget permits, the Board should first consider LandDesign based on their comprehensive approach towards long range planning. The panel did recognize that LandDesign's final estimates were high and want to emphasize that Holland Consulting would perform well with a more narrow scope. She stated that staff recommends that the Board provide direction regarding project budget, scope and preferred consultant and authorize the Town Manager to negotiate and enter into a contract to complete the multi-family study.

After a lengthy discussion, a motion was made by Commissioner McMurray, seconded by Commissioner Wright, to authorize the Town Manager to enter into a contract with Holland Consulting Planners for the purpose of a Multi-family Study in the amount not to exceed \$28,080.00. Motion unanimously carried.

**7. Adjournment – Continue to Friday, August at 1:00 p.m.**

Due to the lateness and length of the Work Session, a motion was made by Commissioner Wright, seconded by Commissioner Farrell, to continue the Work Session to Friday, August 1, 2008 at 1 p.m. Motion unanimously carried.

**AUGUST 1, 2008**

The Board reconvened at 1 p.m. on Friday, August 1, 2008 with Commissioners McMurray, Wright, Farrell, Thomas and Shannon in attendance. Mayor Mofield was unable to attend. Others in attendance were Town Manager Bill Zell, Town Clerk Nancy Matthews, Planning Director Kathy Liles, Deputy Planner Patti Jilson, and Public Works Director Rickie Monroe.

Mayor Pro-tem Farrell opened the Continued Work Session. He stated the Board would review items that were not discussed from Thursday's meeting.

**8. Water and Sewer Extension Policy and Code Amendment for the Town of Aberdeen's utility services.**

Planning Director Liles gave a power-point presentation giving the purpose. She stated this proposed policy will standardize the water and sewer extension practices that have been modified over time. She also stated adoption of this policy prior to August 16, 2008 is necessary to keep the involuntary annexation project on schedule for an effective date of June 30, 2009.

Planning Director Liles then reviewed with the Board the requirement for connection, financing provisions for connection, requirement for voluntary annexation and availability fee. She also discussed new development; Developer shall construct or pay for the Town to construct all on-site water and wastewater facilities, including taps, through a developer's agreement.

Commissioner Wright requested Rickie Monroe to get some information from other municipalities on charging availability fees and also check into what the cost would be associated with having a septic tank completed abandoned.

**9. Voluntary non-contiguous annexation petitioned by David and Rebecca Watts for property located at 120 Longleaf Circle.**

Planning Director Liles informed the Board that Mr. & Mrs. Watts petitioned to have their property they recently purchased annexed into the Town limits. She stated the next step in the annexation process is to hold the Public Hearing and then adopt the annexation ordinance, which both will take place at the August 11<sup>th</sup> regular Board meeting. **Agenda item as Public Hearing and New Business.**

**10. Additions to the fee schedule for permit plan review prior to submittal for actual building permits.**

Planning Director Liles reported to the Board that the Planning staff has recently received requests for the building inspector to do building permit plan reviews prior to submittal for actual building permits. She stated this item has resulted due to the Town's growth

pattern. She stated the current fee schedule does not have a line item for this service. She also stated because commercial plans are so time consuming to review, the staff recommends to separate residential from commercial. She then reviewed with the Board the proposed fees as follows:

- 5000 sq. ft. or less \$250.00
- 5001 sq. ft. – 10,000 sq. ft. \$500.00
- 10,000 sq. ft. or greater \$750.00

Planning Director Liles stated, in addition and after reviewing the current fee schedule, the following line item was left off:

- Commercial Insulation \$ 75.00 per 10,000 sq. ft.

**Agenda item as New Business.**

**11. Clean Water Management Trust Fund Grant Authorization.**

Planning Director Liles informed the Board that the Clean Water Management Trust Fund grant requires that the Board authorize the appropriate staff to execute the grant agreement and to perform the obligations of the grant recipient under the grant agreement. She stated the Board needs to formalize this action so that a certified copy may be provided to the State and reimbursements for grant expenditures can be made.

After some discussion, a motion was made by Commissioner Thomas, seconded by Commissioner McMurray, to authorize Manager Zell to act on behalf of the Town to execute the grant agreement and to perform the obligations of the grant recipient under the grant agreement. Motion unanimously carried.

**12. Closure of Hight Road.**

Planning Director Liles informed the Board that Moore County requests input from the Town regarding the closure of Hight Road. She stated Hight Road is located off US#15/501 south of Aberdeen. She stated this road terminates at the Haskell Duncan and David Morrison tracts located within Aberdeen's ETJ. She further stated the property owners have filed a request with NCDOT and Moore County to close the end of the road, approximately .23 miles, which is

incorporated within these two tracts. She stated that Moore County procedures require input from their Planning Board before approval of a resolution by the County Board of Commissioners. She stated the Moore County Planning Department has requested a letter from the Mayor of Aberdeen indicating that the Town has no objections with the closure.

Planning Director Liles stated that staff has examined this request and has no objections to the closure. She stated however, any future development of the properties will need to be reviewed to determine if public access or infrastructure from the Town will be required and appropriate easements and dedications may be addressed at the time of development.

After further discussion, a motion was made by Commissioner Thomas, seconded by Commissioner McMurray, to authorized Mayor Pro-tem Farrell to write a letter to the County of Moore that the Town of Aberdeen has no objections with the closure of .23 miles of Hight Road. Motion unanimously carried.

**13. Dedication of Columbus Avenue and South Hill Road.**

Planning Director Liles informed the Board that the Seymour Family LLC and Columbus Properties LLC request that the Town accept dedication of Columbus Drive and South Hill Road. She stated Columbus Drive and South Hill Road were developed as result of the Primax developments along NC Highway 15/501 and the Hampton Inn project. She stated these roads have been evaluated by Rickie Monroe, Public Works Director, and deemed constructed to standards that may be accepted into the Town of Aberdeen's road system.

Planning Director Liles stated staff recommends that the Board agenda this request as a Consent Item for approval subject to satisfactory review by the Town attorney. **Agenda item as Consent Agenda.**

**14. Amendment GP#08-05 to the Aberdeen Code of Ordinances – Plan Consistency Statements.**

Planning Director Liles informed the Board that in 2005, the NC Legislature adopted significant amendments to NC General Statute Chapter 160A. She stated one of these amendments was to require that the Planning Board comment on the consistency of any zoning amendment with the adopted comprehensive plan. She stated as to date, this language has not been codified into the Town of Aberdeen’s Code of Ordinances. She then reviewed with the Board the text definition of the procedure the Planning Board is required to follow. She also stated that it is not essential that the amendment be made as the statute dictates the requirement, but it clarifies for staff and others that the consistency statement must be made. **Agenda item as New Business.**

**15. Ordinance GP#08-05 amending the Aberdeen Code of Ordinances to update the responsibilities of the Planning Board to conform with recent changes to the NC General Statutes.**

Planning Director Liles informed the Board that this item is part of Agenda Item #13 and will be placed on the August 11<sup>th</sup> agenda for action. **Agenda item as New Business.**

**16. DROD Text Amendment ZA#08-05 – Page Memorial United Methodist Church.**

Planning Director Liles informed the Board that Page Memorial UMC has filed another request for a text amendment to §155-051 of the Zoning Code to allow for the front 15’ or 20%, whichever is greater, of a building to be used for uses consistent with the Downtown Retail Overlay District with other non-profit use behind a permanent wall as a “use by right.”

After a lengthy discussion, a motion was made by Commissioner Thomas, seconded by Commissioner McMurray, to deny Amendment ZA08-05 as petitioned by Page Memorial United Methodist Church. Motion unanimously carried.

Commissioner Wright then made a motion to hold a separate meeting sometime after August 11<sup>th</sup> to solely discuss this issue. Motion seconded by Commissioner Shannon. Motion unanimously carried.

**17. An Ordinance Ordering the Town of Aberdeen Building Inspector to Proceed to Effectuate the Purpose of G.S. 160A-443.**

Planning Director Liles informed the Board that on May 27, 2008, Chief Building Inspector Rodney Childress did a site inspection of an abandoned structure located on Sanborn Road. She stated his findings included: Deteriorated, roof, sub-floor in a rotten state, windows missing, lack of plumbing, no heating system, interior wall torn down and ceiling torn down. She stated that Mr. Childress has declared the structure is in a dilapidated condition and is unfit for human habitation and cannot be repaired, altered, or improved to comply with all the minimum standards established by of the Town's Code of Ordinances.

Planning Director Liles stated as required, a hearing was held on June 23, 2008 and Ms. Annie Campbell attended the meeting as representation for her son Kenneth, the owner of the property. She stated Ms. Campbell was informed that the structure must be demolished and debris removed from the site. She stated on June 30, 2008, Ms. Campbell requested the Town remove the house and she understood a lien would be placed on the property for the cost of the removal.

After some discussion, a motion was made by Commissioner Wright, seconded by Commissioner Thomas, to adopt an ordinance ordering the Town of Aberdeen Building Inspector to proceed to effectuate the purpose of G.S. 160A-443. Motion unanimously carried.

**18. Other Business**

- a. Manager Zell informed the Board that the Town has a new lease agreement for the copier at the fire department. He stated the existing copier was used at two different locations before

use and the fire department. He stated that Crestline Fire Department needs a copier. He requested that the Town declare the old copier surplus and to sell to Crestline for the amount of \$1.00.

The consensus of the Board was to proceed with the surplus process and sell to Crestline for \$1.00.

- b. Manager Zell informed the Board of the State of Transportation Luncheon to be held at the CC of Whispering Pines at 12 noon on August 19<sup>th</sup>.
- c. Manager Zell informed the Board he would be in New Mexico from August 4<sup>th</sup> until August 8<sup>th</sup>. He would be attending the Homeland Security exercises and training on terrorism. He stated he would be back in the office sometime on Friday.
- d. Commissioner McMurray reminded the Board concerning the Moore County Summit Meeting/Water Task Force on Wednesday, August 6<sup>th</sup> beginning at 8:30 a.m. The meeting will be at Homewood Suites.
- e. **Acceptance of Surety Bond for Legacy Lakes.**

Planning Director Liles informed the Board that FC Pinehurst (ForestCity Enterprises) has submitted three (3) surety bonds for completion of infrastructure in Phase 1 (Map 4) of Legacy Lakes and asks the Board to accept the surety and release the final plat for signature by staff.

Planning Director Liles stated the subdivision regulations require that all infrastructures be installed or that improvement guarantees be posted prior to signatory approval of the final plat. ForestCity has requested final plat approval of Phase 1, Map 4 (63 single family residences). She stated the Planning Board will consider this final plat for approval on August 21<sup>st</sup>. She stated the surety must be in place before the final plat may be signed and recorded. The applicant wishes to post three (3)

bonds at this time for a total of \$153,820.24 to secure infrastructure, sidewalks and final paving for the project.

Planning Director Liles stated she would have the resolution for accepting the surety bonds as a performance guarantee ready for the August 11<sup>th</sup> Board meeting. **Agenda item as New Business.**

- f. Planning Director Liles informed the Board that the Planning staff would be hosting a Planners Seminar/Workshop/Retreat on August 15<sup>th</sup> at the Lake Park Building. She stated she has three speakers lined up for the retreat. She stated the retreat will be from 10 a.m. until 3 p.m., offering lunch, and it is open to the Board.
- g. Commissioner McMurray asked about the meeting with the department heads pertaining to the “things of interest”. Manager Zell stated he would get back with the Board concerning these request.
- h. Planning Director Liles informed the Board that the Minimum Housing procedure has begun on the Taylor Building. She stated the building inspector has inspected it and posted as unsafe. She stated she would keep the Board informed on this issue.

**19. Closed Session: Personnel – Manager’s Contract.**

A motion was made by Commissioner Wright, seconded by Commissioner Shannon, to go into Closed Session for Personnel – Manager’s Contract. Motion unanimously carried.

## 20. Adjournment

The Board then returned to the regular Work Session. With no action taken and with no further items for discussion or review, a motion was made by Commissioner Wright, seconded by Commissioner Shannon, to adjourn the Work Session. Motion unanimously carried.

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Nancy M. Matthews, Town Clerk

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Robert A. Farrell, Mayor Pro-tem

Minutes were completed in  
draft from on August 6, 2008

Minutes were adopted  
August 11, 2008