

**TOWN OF ABERDEEN BOARD OF COMMISSIONERS  
MINUTES OF REGULAR MEETING  
OF  
JANUARY 14, 2008**

The Aberdeen Board of Commissioners met Monday, January 14<sup>th</sup> at 6:00 p.m. for their first meeting of 2008. 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, Town Clerk Nancy M. Matthews, Planning Director Kathy Liles and Jenny Fitter, Reporter for the Pilot Newspaper. There were approximately twenty citizens in attendance of the meeting.

**1. Call to Order**

Mayor Mofield called the meeting to order. She welcomed all those in attendance. She then stated there were several Public Hearings to be held.

**PUBLIC HEARINGS**

**a. Notice of Intent to Authorize Lease of Town property located at 135 Dawkins Street (the Town water tank site) pursuant to N. C. General Statutes 160A-272.**

Mayor Mofield opened the Public Hearing on Notice of Intent to Authorize Lease of Town property located at 135 Dawkins Street (the Town water tank site) pursuant to N. C. General Statutes 160A-272 for Board discussion and public comment.

Manager Zell stated this is reference to the Sprint antenna on Tank #3 for the renewal of current lease. He stated this renewal would take effect when the current lease runs out in September. He stated when a lease is for ten years and over, item has to be advertised due to state requirements.

With no further comments, Mayor Mofield closed the Public Hearing on Notice of Intent to Authorize Lease of Town property located at 135 Dawkins Street.

**b. Notice of Intent to Authorize Lease of Town property located on Chapin Road (a Town water tank site) pursuant to N. C. General Statutes 160A-272.**

Mayor Mofield then opened the Public Hearing on Notice of Intent to Authorize Lease of Town property located on Chapin Road (a Town water tank site) pursuant to N. C. General Statutes 160A-272.

Manager Zell stated this pertains to Tank #1 located at the Aberdeen Elementary School. He stated the lease agreements are just being handled ahead of time in order for no lapse in time.

With no further comments, Mayor Mofield closed the Public Hearing on Notice of Intent to Authorize Lease of Town property located on Chapin Road.

**c. Application for Zoning Code Text Amendment ZA#07-07 submitted by Lamar Advertising to add a section regarding Outdoor Advertising to the Town of Aberdeen Zoning Code.**

Mayor Mofield then opened the Public Hearing on Application for Zoning Code Text Amendment ZA#07-07 submitted by Lamar Advertising to add a section regarding Outdoor Advertising to the Town of Aberdeen Zoning Code for public comments and Board discussion.

Planning Director Kathy Liles stated Lamar Advertising requested a zoning text amendment to provide for the replacement of nonconforming billboards. She stated this text amendment was not approved, but staff continued to research this issue. She stated the Planning Board unanimously recommended denial of Zoning Code Text Amendment ZA#07-07 to the Board of Commissioners. Planning Director Liles also stated that representatives from Lamar Advertising were not in attendance of this meeting.

Commissioner Shannon requested to permanently remove the word “billboard” and replace with “billboard structure/s” for better clarification.

With no further Board discussion, Mayor Mofield closed the Public Hearing on Application for Zoning Code Text Amendment ZA#07-07.

**d. Application for Zoning Code Text Amendment ZA#07-08 submitted by Joseph Milazzo to incorporate entertainment restaurant use as a conditional use in the C-I Commercial and Industrial (Light) District.**

Planning Director Liles stated Mr. Milazzo submitted a request for a Zoning Code Text Amendment to 155.048(B) Conditional Uses to incorporate cultural and entertainment use as a conditional use in the C-I Commercial and Industrial (Light) District. She stated the Planning Board voted unanimously to recommend approval to the Town Board.

With no further Board discussion, Mayor Mofield closed the Public Hearing on ZA#07-08.

**2. Setting of the Agenda**

Manager Zell requested, under Item 5-Financial Report, to add eight (8) mid-year budget amendments for consideration.

A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approve the Setting of 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 of December 10, 2007; Regular Work Session of January 3, 2008.

A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to approve the Consent Agenda as presented. Motion unanimously carried.

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

- a. Mayor Mofield read to the public a card she received from former Commissioner Arthur Parker, in which he thanked the Board for his gifts and for working with them over the past years.
- b. Mayor Mofield received a letter from a Pinehurst resident asking about the widening of NC Hwy. 5. Commissioner McMurray gave a brief update on this issue and stated there are no plans of widening NC Hwy. 5.
- c. Jones McCall, 600 Carolina St., briefly spoke giving some concerns of all the littering on his street and speeding on Wilder. He asked if the speed limit could be lowered.

A motion was made by Commissioner Farrell, seconded by Commissioner Wright, that the speed limit in Colonial Heights be lowered from 35 mph to 25 mph. Motion unanimously carried.

- d. Horace O-Neal, who lives on Sun Road, briefly spoke concerning problems he has with his neighbor. He stated that during the last heavy rain, he had water standing in his yard and going under his house. He requested that the Town look into this situation to see what can be done to alleviate this water problem.

Manager Zell and Public Works Director, Rickie Monroe, are to visit the site to see what can be done.

- e. Ms. Shirley Starkey, 214 N. Poplar Street, briefly commented on vehicles continuously running through the intersection of Poplar and Maple. She asks if a flashing light could be installed or even rumble strips. The stated once the hot dog building opens for business, the congestion at this intersection will become even more of a hazard.

Manager Zell stated he would contact DOT pertaining to this issue.

## **5. Financial Report**

Manager Zell gave the financial report for the month of December. He stated in the General Fund, the expenses were higher than revenues with a year-to-date net gain of \$361,549.89. He stated in the Water/Sewer Fund and after expense, the year-to-date net gain of \$184,334.26.

Manager Zell then reviewed with the Board the eight mid-year budget amendments for their consideration.

After review of the proposed budget amendments, a motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approve Budget Amendments BA#08-01 through BA#08-08 as presented. Motion unanimously carried.

## **6. Old Business**

No Old Business for the Board to review or consider for action.

## **7. New Business**

- a. **Consideration to approve PCS Site Agreement between Town of Aberdeen and SprintCom, Inc. for property located at 135 Dawkins Street (the Town water tank site) for automatic renewal for two (2) additional terms of five years each.**

A motion was made by Commissioner McMurray, seconded by Commissioner Wright, to approve PCS Site Agreement between

Town of Aberdeen and SprintCom, Inc. for property located at 135 Dawkins Street (the Town water tank site) for automatic renewal for two (2) additional terms of five years each. Motion unanimously carried.

- b. Consideration to approve PCS Site Agreement between Town of Aberdeen and SprintCom, Inc. for property located on Chapin Road (the Town water tank site) for automatic renewal for two (2) additional terms of five years each.**

A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approve PCS Site Agreement between Town of Aberdeen and SprintCom, Inc. for property located on Chapin Road (the Town water tank site) for automatic renewal for two (2) additional terms of five years each. Motion unanimously carried.

- c. Consideration to accept a petition received by Ron Jackson and Dan Maples for non-contiguous annexation of The Pit Villas located on Hwy. 5, Aberdeen, N. C. and adopt a Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-58.2.**

A motion was made by Commissioner McMurray, seconded by Commissioner Wright, to accept a petition received by Ron Jackson and Dan Maples for non-contiguous annexation of The Pit Villas located on Hwy. 5, Aberdeen, N. C. and adopt a Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-58.2. Motion unanimously carried.

- d. Consideration of approval of Application for Conditional Use Permit CU#07-10 and Site Plan Review SP#07-12 submitted by Andrew and Kathleen White to build two duplexes on the two abutting lots located at 805 Magnolia Drive, Aberdeen, N. C.**

A motion was made by Commissioner Wright, seconded by Commissioner Shannon, to approve Application for Conditional Use Permit CU#07-10 and Site Plan Review SP#07-12 submitted by Andrew and Kathleen White to build two duplexes on the two abutting lots located at 805 Magnolia Drive, Aberdeen, N. C.

Commissioner's Wright, Shannon, Thomas and Farrell voted YES. Commissioner McMurray voted NO. Motion passed by a four-to-one vote.

- e. Consideration of approval of Application for Conditional Use Permit CU#07-11 submitted by Anita Shamberger for a home occupation at 101 Pine Brae Lane, Aberdeen, N. C.**

Planning Director Liles informed the Board she has contacted Ms. Shamberger and she has agreed to the changes requested by the Board.

A motion was then made by Commissioner Thomas, seconded by Commissioner Shannon, to approve Application for Conditional Use Permit CU#07-01 submitted by Anita Shamberger for a home occupation at 101 Pine Brae Lane, Aberdeen, N. C. with additional conditions: No signage, no more than four (4) children in a twenty-four (24) hour period and to construct a fence if required by the N. C. State Children and Family Division. Motion unanimously carried.

- f. Consideration of approval of Application for Conditional Use Permit CU#07-12 and Site Plan Review SP#07-15 submitted by Rick Knight and Jamie Johnson for a residential planned development located on the south side of Main Street, just east of Bethune Street, Aberdeen, N. C.**

Planning Director Liles informed the Board that the developers have made several changes in order to accommodate the water drainage. She stated that staff will review and make sure of adequate landscaping as to Town requirements.

A motion was made by Commissioner Shannon, seconded by Commissioner McMurray, to approve Application for Conditional Use Permit CU#07-12 and Site Plan Review SP#07-15 submitted by Rick Knight and Jamie Johnson for a residential planned development located on the south side of Main Street, just east of Bethune Street, Aberdeen, N. C. Motion unanimously carried.

- g. Consideration of approval of Application for Zoning Code Text Amendment ZA#07-08 submitted by Joseph Milazzo to incorporate entertainment restaurant use as a conditional use in the C-I Commercial and Industrial (Light) District.**

A motion was made by Commissioner Thomas, seconded by Commissioner Shannon, to approve Application for Zoning Code Text Amendment ZA#07-08 submitted by Joseph Milazzo to incorporate entertainment restaurant use as a conditional use in the C-I Commercial and Industrial (Light) District. Motion unanimously carried.

- h. Consideration of approval of Application for Site Plan Review SP#07-14 submitted by Eric Levin for a light industry/office space commercial building to be located on the north side of Ampersand Road, Aberdeen, N. C.**

Planning Director Liles informed the Board there were a couple of minor changes. One was to the building by adding a new roof line for extra windows to give more lighting and the developer is to enhance the grass parking area by installing paving blocks or alternative paving surfaces. She stated, if the U. S. Green Building Council approves, this building would be the first in Moore County to receive LEED Certification. She stated LEED stands for Leadership Energy and Environmental Design.

A motion was then made by Commissioner Wright, seconded by Commissioner Shannon, to approve Application for Site Plan Review SP#07-14 submitted by Eric Levin for a light industry/office space commercial building to be located on the north side of Ampersand road, Aberdeen, N. C. Motion unanimously carried.



## **8. Other Business**

- a. Manager Zell reminded the Board of the Special Work Session for Tuesday at 5:30 p.m.
- b. Manager Zell reminded the Board of the upcoming Annual Chamber Banquet for January 31<sup>st</sup>. He stated he needed to know who would be attending.
- c. Manager Zell reminded the Board that the regular Work Session would be held on Tuesday, January 29<sup>th</sup> instead of January 31<sup>st</sup>.

## **9. Adjournment**

With no further business or discussion items, motion was made by Commissioner Wright, seconded by Commissioner Farrell, to adjourn the meeting. Motion unanimously carried.

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Nancy M. Matthews, Town Clerk

These minutes were drafted and completed on January 16, 2008

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Elizabeth B. Mofield, Mayor

The minutes were adopted February 11, 2008