

**ABERDEEN BOARD OF COMMISSIONERS
JUNE 11, 2007 REGULAR MEETING
MINUTES
6:00 P.M.**

The Aberdeen Board of Commissioners met Monday, June 11, 2007 at 6:00 p.m. for their regular Board Meeting. Members present were Mayor Elizabeth Mofield and Commissioners Pat Ann McMurray, Donna Shannon, Arthur Parker, Robbie Farrell and Walter Wright. Others in attendance were Town Manager Bill Zell, Deputy Clerk Regina Rosy, Planning Director Ben Warren and Deputy Planner Patti Jilson. Others in attendance were Planning Board members Elease Goodwin and Mike Dunn. There were approximately seventy citizens also in attendance.

1. Call to Order

Due to the huge crowd in attendance, Mayor Mofield did not call the meeting of the Aberdeen Board of Commissioners to order until 6:10 p.m. in order to find seating for everyone. She welcomed all those in attendance. She then stated there were several Public Hearings to be held.

PUBLIC HEARINGS

a. Application for Conditional Use Permit CU#07-05 submitted by David Dozier for a home occupation (hair salon) to be located at 36104 US Hwy. 1, Aberdeen, N.C.

Mayor Mofield opened the Public Hearing for Conditional Use Permit CU#07-05 for a home occupation to be located at 36104 US Hwy. 1, Aberdeen, N. C. for public comments and Board discussion.

Deputy Clerk Regina Rosy swore in Planning Director Ben Warren and Frank Thigpen due to their intentions to present information at this public hearing.

Planning Director Warren stated Mr. Dozier currently meets the square footage requirements but does not meet the requirement of number of employees. He stated the Planning Board voted unanimously to deny this Conditional Use Permit CU#07-05.

Frank Thigpen stated this is currently a single-family dwelling area and David Dozier plans to put a business in the area. Mr. Thigpen then read an excerpt from the Town Zoning Code that states the house shall be engaged only by residents of the premises and since they would be non-residents, this would be a violation and should be denied. He also stated one bedroom would be used for the hair salon and one bedroom would be used for a nail salon which would destroy the integrity of the house.

Mayor Mofield questioned the square footage issue. It appeared questionable whether the business would indeed only use 25% of the square footage for the business since there would have to be a waiting area, one room for hair, one room for nails, and storage space.

With no further comments from the public or Board, Mayor Mofield declared the Public Hearing on Application for Conditional Use Permit CU#07-05 closed.

- b. Application for Rezoning RZ#06-01 submitted by De Anne Jackson (Quality Built Homes) to rezone approximately 7.66 acres located on the north side of Mofield Way / NC Hwy. 211 between Pine Street and Glasgow Street from I-H Industrial Heavy to B-3 Neighborhood Transitional.**

Mayor Mofield then opened the Public Hearing on Application for Rezoning RZ#06-01 by De Anne Jackson to rezone approximately 7.66 acres located on the north side of Mofield Way/NC Hwy. 211 between Pine Street and Glasgow Street from I-H Industrial Heavy to B-3 Neighborhood Transitional for public comments and Board discussion.

Planning Director Warren stated Mr. Jackson had changed his request from R-10 to B-3.

Commissioner Farrell asked if this property includes wetlands. Planning Director Warren stated it does include wetlands and Mr. Jackson plans to donate these wetlands to the Town of Aberdeen in the future.

Commissioners Parker questioned if the requirements were the same for R-10 as B-3. Planning Director Warren stated the requirements were the same.

With no further comments from the public or Board, Mayor Mofield declared the Public Hearing on Application for Rezoning RZ#06-01 closed.

- c. Application for Zoning Code Text Amendment ZA#07-03 submitted by Planning Staff to add/amend Section 155.013 Roadside Stands to the Zoning Ordinance.**

Mayor Mofield then opened the Public Hearing on Application for Zoning Code Text Amendment ZA#07-03 submitted by Planning Staff to add/amend Section 155.013 Roadside Stands to the Zoning Ordinance for public comments and Board discussion.

Planning Director Warren stated there is currently nothing in the Zoning Code regarding roadside stands. He stated the Planning Department researched what other jurisdictions do about roadside stands and drafted this addition to limit usages of roadside stands.

Mayor Mofield requested that lemonade stands be included in the list of things to include with roadside stands.

With no further comments from the public or Board, Mayor Mofield declared the Public Hearing on Application for Zoning Code Text Amendment ZA#07-03 closed.

d. Application for Zoning Code Text Amendment ZA#07-04 submitted by Planning Staff to change the maximum number of “household pets” allowed per residence from ten (10) to five (5).

Mayor Mofield then opened the Public Hearing on Application for Zoning Code Text Amendment ZA#07-04 submitted by Planning Staff to change the maximum number of “household pets” allowed per residence from ten (10) to five (5) for public comments and Board discussion.

Planning Director Warren stated there have been numerous complaints from Aberdeen residents about the number of pets people have. Planning Director Warren stated the Planning Staff has drafted language to be added to the Zoning Code that would allow no more than five (5) household pets at any one time.

Mayor Mofield asked if fish were excluded. Commissioner Farrell asked what would happen if a dog had puppies. Planning Director Warren stated the reason for this zoning code text amendment is because of the noise and stench from a large number of animals at one residence, so fish would not be a problem and a litter of puppies would only be temporary.

Commissioner Wright questioned what would happen if someone was found to have more than five (5) animals. Planning Director Warren stated thirty (30) days would be given to remedy the violation. After the initial thirty (30) days, seven (7) more days would be given before fines would be issued.

With no further comments from the public or Board, Mayor Mofield declared the Public Hearing on Application for Zoning Code Text Amendment ZA#07-04 closed.

e. **Application for Zoning Code Text Amendment ZA#07-05 submitted by Park at Clearwater to amend Section 155.032 – R-5 Residential District to the Zoning Ordinance.**

Mayor Mofield then opened the Public Hearing on Application for Zoning Code Text Amendment ZA#07-05 submitted by Park at Clearwater to amend Section 155.032 – R-5 Residential District to the Zoning Ordinance for public comments and Board discussion.

Planning Director Warren explained that the property at Park at Clearwater II was resurveyed and it was discovered that several of the buildings were actually closer than five (5) feet from the rear property line. As a result, the applicant is asking that Section 155.032 - R-6 Residential District be revised to read “the minimum required rear yard may be as little as 0.1 feet if at the time of initial construction the rear yard abuts a platted but unopened street at least fifty (50) feet wide.”

With no further comments from the public or Board, Mayor Mofield declared the Public Hearing on Application for Zoning Code Text Amendment ZA#07-05 closed.

f. **Application for Zoning Code Text Amendment ZA#07-06 submitted by Page Memorial United Methodist Church to amend Section 155.051 – Downtown Retail Overlay District to the Zoning Ordinance.**

Mayor Mofield then opened the Public Hearing on Application for Zoning Code Text Amendment ZA#07-06 submitted by Page Memorial United Methodist Church to amend Section 155.051 – Downtown Retail Overlay District to the Zoning Ordinance for public comments and Board discussion.

Planning Director Warren gave a brief background of the Application for Zoning Code Text Amendment ZA#07-06. He stated Page Memorial Untied Methodist Church owns other land that is not in the Downtown Retail Overlay District that could be used for the assembly center / fellowship hall. He also stated the first 20% on the first floor of the building has to be used for retail purposes.

Richard Mandell, Building Chairman for the Page Fellowship Hall project, gave a very in-depth presentation on why the Town should allow Page Memorial United Methodist Church to use a building in the Downtown Retail Overlay District for an assembly center. He gave the Board a petition signed by downtown merchants that displayed twenty-four (24) merchants approved of a fellowship hall and five (5) disapproved. Mayor Mofield stated the first 20% of the first floor has to

be used for retail use. Mr. Mandell stated it would be used for retail use; Page Memorial plans to rent the building for space.

Joel Stancil, 301 Seymour Street, stated our society is too oriented with retail. He stated his desire to see the fellowship hall located in the Downtown Retail Overlay District.

Steve Saye, a business owner at 111 W. Main Street, stated his opposition to ZA#07-06. He stated he looks at the downtown area in Aberdeen as an opportunity and he believes parking would be a huge issue if this fellowship hall were allowed.

Louise Buchan, 305 E. Main Street, stated her opposition to ZA#07-06 also. She thinks it is the wrong location for a fellowship hall. She wants to maintain the current business district so that more people will come to Aberdeen to shop.

Juanita Auman, 2020 Hwy. 5, stated her concern for the problem the Board is facing. She stated she hopes this issue can be resolved amicably.

Tonya Clark, downtown merchant, stated she will sell all of her businesses in the downtown area if the Town approves this fellowship hall in the downtown area. She said it will ruin her businesses and she will have no part in it.

With no further comments from the public or Board, Mayor Mofield declared the Public Hearing on Application for Zoning Code Text Amendment ZA#07-06 closed.

g. Petition on request for voluntary contiguous annexation submitted by Crestline Homes for property located at 707 Sun Road, Aberdeen, N.C. for adoption of annexation ordinance with annexation to be effective June 11, 2007.

Mayor Mofield then opened the Public Hearing on request for voluntary contiguous annexation submitted by Crestline Homes for property located at 707 Sun Road, Aberdeen, N. C. for public comments and Board discussion.

Planning Director Warren stated the Town Clerk has reviewed and certified this petition and he recommends approval.

Mr. Tony O'Neill stated he owns property nearby and he fears it will decrease his property value. He stated the tax value of his property is

\$400,000 and he believes if a modular home is placed across the street it will hurt his property value.

Mayor Mofield stated this public hearing was to annex property only. Planning Director Warren informed Mr. O'Neill to contact the neighborhood association to see if there are any restrictive covenants to disallow modular homes.

With no further comments from the public or Board, Mayor Mofield declared the Public Hearing on Petition on request for voluntary contiguous annexation submitted by Crestline Homes for property located at 707 Sun Road closed.

2. Setting of the Agenda

Town Manager Bill Zell requested that Item 6b be removed from the agenda. A motion was made by Commissioner Shannon, seconded by Commissioner Parker 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 Meeting of April 9, 2007; Minutes of Regular Meeting of May 14, 2007; Minutes of Closed Session of May 14, 2007; Minutes of Work Session of May 31, 2007.

Mayor Mofield requested that minutes from the meetings on May 14, 2007 and May 31, 2007 be deleted from the consent agenda due to errors.

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

4. Informal Discussion and Public Comment

Mayor Mofield informed the Board and public of the concerts at the Postmaster's House that are held on Sunday afternoons. She stated they are a lot of fun and the public can bring their chairs and enjoy a great concert. She stated Janet Kenworthy arranges the concerts and more information can be found at www.roosterswife.org.

Manager Zell stated there will be a Special Called Meeting for the Budget Message and Public Hearing to be held on June 18, 2007 at 5:30pm. He also stated there will be another Special Called Meeting on June 25, 2007 at 5:30pm for approval of the budget and year end amendments.

Mayor Mofield stated there is now a picnic shelter that has been constructed at the Berkeley Park. She stated this makes a great addition to the park. Manager Zell stated there would a dedication and cookout planned for the Berkeley Park some time during the month of July.

Michael Barbara, a business owner in Aberdeen who bought the old Treco building, was concerned because his customers and vendors can't find Taylor Street, which is the street his business is located. He asked the Board if he could put up a 2' x 3' double-sided sign on Highway 5 to point towards his business. Planning Director Warren stated our ordinance does not allow these types of signs. Commissioner Shannon asked if the Town's ordinance would allow a business park sign. Planning Director Warren stated a multi-tenant sign is allowed for business parks and industrial parks. Mayor Mofield directed Planning Director Warren to see if there is a desire among other businesses in that vicinity to form an industrial park and invest individually in a business park sign.

Ms. Cam Hurst stated she missed Public Hearing "F" regarding Page Memorial Church and requested the opportunity to speak. She stated the majority of the church is against having a fellowship hall located in a retail building and she also stated her opposition. She stated there are many other options for expansion that could be used.

Manager Zell informed the Board and public that the Public Works building caught on fire during the Board Meeting and the second bay was burned badly along with three very expensive pieces of equipment.

5. Financial Report

Manager Zell presented the financial report due to the absence of Finance Officer Beth Wentland. He stated there was a net gain in the General Fund of approximately \$318,000 and a net gain in the Water/Sewer Fund of approximately \$250,000.

6. Old Business

- a. Consideration of approval of Application for Rezoning RZ#06-01 submitted by DeAnne Jackson (Quality Built Homes) to rezone approximately 7.66 acres located on the north side of Mofield Way/NC Hwy. 211 between Pine Street and Glasgow Street from I-H Industrial Heavy to B-3 Neighborhood Transitional.**

With no comments from the Board or public, a motion was made by Commissioner Parker, seconded by Commissioner McMurray, to approve Application for Rezoning RZ#06-01 submitted by DeAnne Jackson (Quality Built Homes) to rezone approximately 7.66 acres located on the north side of Mofield Way/NC Hwy. 211 between Pine Street and Glasgow Street from I-H Industrial Heavy to B-3 Neighborhood Transitional. Motion unanimously carried.

- b. Consideration of approval of Preliminary Plat PLP#07-01 submitted by J Speight Investments of Moore County, LLC for seven lots on 2.45 acres on the east side of Shepherds Trail, Aberdeen, N.C.**

Item deleted from agenda.

7. New Business

- a. Consideration of approval of Application for Text Amendment TA#07-01 submitted by Forest City Pinehurst, LLC to amend the Town of Aberdeen Street Lighting Policy and Guidelines.**

Forest City Pinehurst, LLC is requesting to put in more street lights in order to have a more appealing neighborhood. After a great deal of discussion, Mayor Mofield instructed Planning Director Warren to research the best approach so that the Town of Aberdeen will be billed what the cost normally would have been for the electric bill. The Board agreed to a cost sharing with Forest City Pinehurst, LLC.

A motion was made by Commissioner Wright, seconded by Commissioner Farrell, to deny approval of Application for Text Amendment TA#07-01 submitted by Forest City Pinehurst, LLC to amend the Town of Aberdeen Street Lighting Policy and Guidelines. Motion unanimously carried.

b. Consideration of approval of Application for Preliminary Plat PLP#07-02 and Surety Bond approval submitted by Forest City Pinehurst, LLC amending the previously approved Preliminary Plat for Phase I of the Legacy Lakes Subdivision.

Commissioner Wright questioned the Town of Aberdeen cost for the sidewalk estimate. Peter Cozens stated there was no cost for the Town of Aberdeen.

A motion was made by Commissioner Parker, seconded by Commissioner Shannon, to approve Application for Preliminary Plat PLP#07-02. Motion unanimously carried.

A motion was made by Commissioner Farrell, seconded by Commissioner Shannon, to approve Surety Bond submitted by Forest City Pinehurst, LLC for Phase 1 Map 1 Infrastructure, Phase 1 Map 2 Infrastructure, Phase 1 Map 1 Sidewalk, and Phase 1 Map 2 Sidewalk. Motion unanimously carried.

c. Consideration of approval of Application for General Purpose Amendment GP#07-05 to amend the Town of Aberdeen Code of Ordinances, Section 52.01 – Obstruction of Streets and Sidewalks Prohibited.

A motion was made by Commissioner McMurray, seconded by Commissioner Parker, to approve Application for General Purpose Amendment GP#07-05 to amend the Town of Aberdeen Code of Ordinances, Section 52.01 – Obstruction of Streets and Sidewalks Prohibited. Motion unanimously carried.

d. Consideration to accept a petition for voluntary contiguous annexation submitted by Katherine Verbal for property located on James Street, Aberdeen, N.C. and adopt a Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31.

A motion was made by Commissioner Parker, seconded by Commissioner McMurray, to approve petition for voluntary contiguous annexation submitted by Katherine Verbal for property located on James Street, Aberdeen, N.C. and adopt a Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31. Motion unanimously carried.

- e. **Accept the Clerk's Certificate of Sufficiency and adopt a Resolution Fixing the Date of Public Hearing on the Petition for Voluntary Annexation Pursuant to G.S. 160A-31 for August 13, 2007.**

A motion was made by Commissioner McMurray, seconded by Commissioner Parker, to accept the Clerk's Certificate of Sufficiency and adopt a Resolution Fixing the Date of Public Hearing on the Petition for Voluntary Annexation submitted by Katherine Verbal pursuant to G.S. 160A-31 for August 13, 2007. Motion unanimously carried.

- f. **Consideration of adoption of Annexation Ordinance #42-907 for property owned by Crestline Homes, Inc. located at 707 Sun Road, Aberdeen, N.C. with effective date of annexation as June 11, 2007.**

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to approve Annexation Ordinance #42-907 for property owned by Crestline Homes, Inc. located at 707 Sun Road, Aberdeen, N.C. with effective date of annexation as June 11, 2007. Motion unanimously carried.

- g. **Consideration of adoption of Resolution of Support for the Clean Water Act of 2007.**

Manager Zell stated this resolution is being requested by the North Carolina Rural Association. Manager Zell read the resolution to the public and Board.

A motion was made by Commissioner McMurray, seconded by Commissioner Shannon, to adopt the Resolution of Support for the Clean Water Act of 2007. Motion unanimously carried.

- h. **Consideration of adoption of a Resolution on an Application to Participate in the North Carolina Small Town Main Street Program 2007-2008.**

Manager Zell read the resolution to the public and Board.

A motion was made by Commissioner McMurray, seconded by Commissioner Wright, to adopt the Resolution on an Application to Participate in the North Carolina Small Town Main Street Program 2007-2008. Motion unanimously carried.

i. Consideration of appointment to the Aberdeen Historic Commission.

Planning Director Warren stated Sharon Steele no longer wishes to serve on the Aberdeen Historic Commission. Planning Director Warren stated Aldena Frye is the only applicant and he recommends her appointment to the Aberdeen Historic Commission.

A motion was made by Commissioner McMurray, seconded by Commissioner Parker, to appoint Aldena Frye to the Aberdeen Historic Commission. Motion unanimously carried.

8. Other Business

None

9. Adjourn

With no further business, a motion was made by Commissioner Parker, seconded by Commissioner Farrell, to adjourn the meeting. Motion unanimously carried.

Regina M. Rosy, Deputy Clerk

Elizabeth B. Mofield, Mayor

This draft was prepared and completed
on July 13, 2007.

These minutes were adopted _____.