

**ABERDEEN BOARD OF COMMISSIONERS  
MINUTES  
OF  
WORK SESSION JANUARY 2, 2007**

The Aberdeen Board of Commissioners met Tuesday, January 2<sup>nd</sup> at 5:30 p.m. for their first Work Session of 2007. Members present were Mayor Elizabeth Mofield and Commissioners Pat Ann McMurray, Robbie Farrell, Arthur Parker, Donna Shannon and Walter Wright. Others in attendance were Town Manager Bill Zell, Town Clerk Nancy Matthews, Planning Director Ben Warren, Deputy Planner Patti Jilson, Jeremy Rust with LandDesign, three representatives from Lamar Advertising and Matthew Moriarity, Reporter from the Pilot.

Mayor Mofield called the Work Session to order and stated there were several items for review.

Mr. Scott Brewer, Senior Auditor with Dixon Hughes, spoke briefly to the Board pertaining to the Town's Annual Audit Report, year ended June 30, 2006. The Board received copies of the annual audit which he reviewed with them. He stated, basically this tells the Board if procedures and reports meet the standards required of the Local Government Commission. He stated as part of obtaining reasonable assurance about whether the Town's financial statements are free of material misstatement, his office performed tests of compliance with certain provisions of laws, regulations, contracts and grants.

Mr. Brewer then briefly reviewed the net assets, capital assets, statement of activities, revenues, expenditures and changes in the Fund Balance in both the General Fund and Water/Sewer Fund. He stated if any Board member had any questions to please contact him.

- 1. Public Hearing scheduled January 8<sup>th</sup> on a petition submitted by Sandy Springs Subdivision located on Pee Dee Road for voluntary contiguous annexation.**

Planning Director Ben Warren stated the Public Hearing is the next step before adoption of the ordinance. He stated the ordinance will be on the agenda for adoption. **Agenda item as Public Hearing.**

2. **Public Hearing scheduled January 8<sup>th</sup> on a petition submitted by Forest City Pinehurst, LLC for the Legacy Lakes Subdivision located off Hwy. 15/501 south for voluntary non-contiguous (satellite) annexation.**

Planning Director Ben Warren informed the Board the process is the same as the first Public Hearing. **Agenda item as Public Hearing.**

3. **Application for Conditional Use Permit CU#06-03 submitted by Ronald Jackson to allow a welding shop/business which will be located at 100 Bud Place in a C-I Commercial and Industrial (Light) District.**

Planning Director Warren stated that everything will be contained within the building. He stated Mr. Jackson specified welding and the conditional use permit is written to also cover any light industrial operation in order for any future business within the building.

Commissioner McMurray was concerned that the backdoor of the building had been blocked off and there was no exit from that part of the building.

Planning Director Warren stated that once the business license has been issued, then the fire marshal will inspect the building and this will be addressed. Before Mr. Jackson will be able to open this business, adequate fire exits must be in place. **Agenda item as New Business.**

4. **Application for Conditional Use Permit CU#06-04 to amend Conditional Use Permit CU#05-04 submitted by Forest City Pinehurst, LLC for the Legacy Lakes Subdivision.**

Planning Director Warren stated, since the consensus of the Board was to accept the change from vertical curbing to valley curbing throughout the development, an order was prepared for approval. A motion was then made by Commissioner McMurray, seconded by Commissioner Parker, to approve Application for Conditional Use Permit CU#06-04 to amend Conditional Use Permit CU#05-04 submitted by Forest City Pinehurst, LLC for the Legacy Lakes Subdivision with the following Findings of Fact:

1. That all parties were duly noticed.

2. That Forest City Pinehurst, LLC, the applicant, proposed to amend the previously approved Conditional Use Permit CU#05-04.
3. That the application for the Conditional Use Permit Amendment was accepted on November 21, 2006 by the Town of Aberdeen Planning Department.
4. That the proposed amendments to CU#05-04 to include changing the required curbing type from vertical curbing to valley curbing.
5. That Forest City Pinehurst, LLC owns a particular piece of property upon which the proposed amendment will apply.
6. That the proposed site details are as follows:

Zoning: R-20 Residential; Adjacent Zoning: R-20 Residential/County Zoning; Acreage: 405 acres (+/-); Watershed: No; Floodplain: Yes; Historical Use: Vacant Land Surrounding Golf Course.
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#05-04 to allow Forest City Pinehurst, LLC to install valley curbing rather than the originally approved vertical curbing 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 Legacy Lakes Subdivision will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R-20 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#05-04.
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-20 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.

#### 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, Forest City Pinehurst, LLC satisfied all the requisite standards pursuant to the Town of Aberdeen Zoning Ordinance.
3. That sufficient evidence was presented by Forest City Pinehurst, LLC to satisfy the requirements of the Town of Aberdeen Zoning Ordinance.

And it is therefore ordered, adjudged and decreed:

1. That the applicant satisfied all 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#06-04 to amend the previously approved CU#05-04 to allow Forest City Pinehurst to install valley curbing rather than vertical curbing is hereby approved. Motion unanimously carried.

**5. Application for Zoning Amendment ZA#06-04 submitted by Lamar Advertising regarding the outdoor advertising signs (billboards) currently existing in the Town of Aberdeen.**

Planning Director Ben Warren stated this item came before the Board two months ago. He stated the Public Hearing was held on November 13, 2006 and then went to the Planning Board for review. He stated, after review and consideration, the Planning Board and staff recommended to the Town Board they were not in favor of approving this amendment.

There were several representatives for Lamar Advertising and there was some discussion regarding the process.

Commissioner Wright stated he was opposed to approving this application. Mayor Mofield explained the intent of the current ordinance and why it was adopted. She also stated that a third option to the Board other than approval or denial. She said the Board could table the issue and research other alternatives. **Agenda item as New Business.**

**6. Application for Zoning Amendment ZA#06-05 submitted by Sarah Ahmad regarding Non-conforming Use Amendment.**

The Board briefly discussed this request. Planning Director Warren stated this really would not affect other areas because of the specific wording in the amendment. **Agenda item as New Business.**

7. **Application for Site Plan Review SP#06-09 submitted by S. R. Ransdell for an open bay metal building to be located off US Hwy. 15/501 directly behind Timberbrick, Inc.**

Planning Director Ben Warren informed the Board that between the Work Session and present, Mr. Ransdell has agreed to meet the façade material requirements as set forth in the Town's Ordinance and has agreed to use a stucco exterior in order to meet these requirements. **Agenda item as Old Business.**

8. **Petition for voluntary contiguous annexation submitted by Bob Stafford for Pee Dee Commerce Park, Phase 2B, Lot 20 located on Parkway Drive, Aberdeen, N. C.**

Planning Director Warren informed the Board that the Site Plan for this development was approved two months ago. He stated that Mr. Stafford is now petitioning the Town for annexation of this area. He stated that water and sewer is available to the site. **Agenda item as New Business.**

9. **Agreement between Mr. Charles Zuhone as Curator of the Union Station Depot Museum and the Town of Aberdeen.**

Due to some concerns from the Board, this item has been tabled and will be discussed further at the next Work Session.

10. **Bethune Street Sewer Connection Resolution.**

Mr. Ray Manieri of All American Associates spoke briefly to the Board concerning the CDBG grant for the Berkley Community. He stated the Board will hold three Public Hearings and will need to adopt two Resolutions. He discussed the basic activities and project descriptions for the innovative activities. He stated this grant is the only way to ensure that all existing households on Bethune Street will be connected to the Town's sewer system. He also stated that the Board may have to use condemnation procedures for one or two of the dilapidated houses. He stated once these houses are razed, then the property will go to Habitat to construct new homes. **Agenda item as Public Hearing and New Business.**

**11. Resolution Regarding Contribution of Local Funds to the Bethune Street Redevelopment Project.**

Mr. Manieri stated this Resolution is required as part of the application process for a 2007 CDBG Revitalization grant from NCDCA. **Agenda item as Public Hearing and New Business.**

**12. Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20.**

Manager Zell informed the Board that this Resolution is required in order to proceed with financing of the new Recreation Center, which will be sent to the Local Government Commission in April. **Agenda item as New Business.**

**a. Declaration of official Intent to Reimburse.**

Manager Zell informed the Board this Declaration is an IRS requirement for any expenses on the Lake Park Project that the Town expends prior to receiving the financing so the Town can reimburse themselves. Without this Declaration, the Town cannot get the reimbursement. **Agenda item as New Business.**

**13. Proposed Street Improvements Spring/Summer 2007.**

Manager Zell stated this was just an information item showing a list of proposed streets that are being considered for resurfacing and some with other improvements. It was suggested by the Board to add Maple Street from Blue Street to the railroad tracks.

**14. Southern Middle School Sewer Easement Agreement.**

Manager Zell informed the Board that an easement for the Town was drawn up by our attorney to install and maintain a sanitary main line across the Southern Middle School property. He stated in order to have this easement approved by the school board, the Town had to include Section 3, Item D in the easement. He stated the reason for this section being included is, the Town has located the sewer main as close to a wetland area as possible without having to apply for special permits that may not be

approved. But in the future if the school board decides to build on this part of the property, the Town will relocate this main at our expense to another location in which the school board will provide that easement.

A motion was then made by Commissioner Parker, seconded by Commissioner Shannon, to direct Mayor Mofield to sign the easement between the Moore County School Board and the Town of Aberdeen for the Southern Middle School Sewer Easement Agreement. Motion unanimously carried.

## 15. Other Business.

### **REMINDER: January 8<sup>th</sup> Board Meeting time at 6:00 p.m.**

- a. Manager Zell reminded the Board that the next three regular Board meetings will be at 6 p.m. instead of 7 p.m.
- b. The following were information items:
  - Well #12 which has traces of radium, and upon approval by the State, the Town will run a water main from Well #13 to Well #12. This will dilute the radium content and will bring us back into compliance without having to shut the well down or add an ion-exchange water treatment process.
  - Well #19 is ready to proceed with construction. Work to begin shortly.
  - Tank #5 is complete except for disinfection. Hopefully this tank will be in full operation by mid February.
  - Will need to appropriate \$11,300.00 for repairs to the Aberdeen Lake Dam. Will be on the agenda for approval.
  - Consider having the yearly Budget Retreat on several evenings with each department head instead of a weekend retreat.
  - Budgeted \$108,000.00 for new garbage truck. Price has come in at \$124,600.00. Will need to appropriate \$16,600.00 to proceed with the purchase of this garbage truck.
  - Sidewalks on US #1 have been approved. Will begin construction soon.
  - Picnic shelter for the Berkley Park will begin soon.

- Increase in the vandalism/spray painting on buildings in Aberdeen. Was suggested the Town/residents become members of Crime Stoppers/consider giving a reward.
  - Need status on traffic light at Pee Dee and Hwy. 211.
  - Manager Zell needs to submit names for the Formation of Task Forces for Moore County Summit.
  - The Board requests that a work board be installed to post report on pending issues.
  - Status on Depot landscaping needed.
  - Status on parking areas – Tarbell Street additional parking.
  - Status on bridge project on Hwy. 15-501. To begin in 2009.
- c. Mayor Mofield informed the Board she had received several calls pertaining to cursing, loud music and disruptive activities from a resident/renter located on Crest Drive. She stated the police have been to this address numerous times. She stated the neighbors are afraid and want something done.

Manager Zell is to call the housing authority and also send a letter to the homeowner to see if this situation can be resolved.

- d. Representatives of Lamar Advertising had questions pertaining to their zoning amendment request. But the consensus of the Board reiterated to the representative that they would be breaking their own ordinance if they approved this request. Item will still be on the agenda for action.

## 16. Adjourn

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

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Nancy M. Matthews, Town Clerk  
**This draft prepared on  
 January 3, 2007**

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Elizabeth B. Mofield, Mayor  
**These minutes adopted  
 January 8, 2007**