

**ABERDEEN BOARD OF COMMISSIONERS
MINUTES OF
JANUARY 8, 2007 REGULAR BOARD MEETING
6:00 P.M.**

The Aberdeen Board of Commissioners met Monday, January 8th at 6:00 p.m. for their first regular Board meeting of 2007. Members present were Mayor Elizabeth Mofield and Commissioners Pat Ann McMurray, Robbie Farrell and Walter Wright. Commissioners Donna Shannon and Arthur Parker were unable to attend.

Others in attendance were Town Manager Bill Zell, Town Clerk Nancy Matthews, Planning Director Ben Warren, Deputy Planner Patti Jilson, Finance Officer Beth Wentland, Police Chief Michael Connor, Matthew Moriarity, News Reporter for the Pilot Newspaper and Mr. Patrick Nyland with All American Associates. There were approximately 20 – 25 citizens also in attendance.

1. Call to Order

Mayor Mofield called the meeting to order. She stated there were several citizens of Aberdeen who were present to express some concerns pertaining to a certain situation in their neighborhood and she requested that Item #5, Informal Discussion and Public Comment, be placed first on the Agenda.

A motion was made by Commissioner Farrell, seconded by Commissioner McMurray, to move Agenda Item #5 to Agenda Item #2. Motion unanimously carried.

a. Situation at 1606 Crest Drive, Aberdeen, N. C.

Ms. Lettie Carstarphen who resides at 1606 Crest Drive stated to the Board that she is being harassed by the police and unknown callers from her neighborhood. She stated the neighbors are accusing her of things that are not true. She stated she has three teenage boys and a daughter. She said the police are still harassing her and that people are writing her landlord and to Section 8 complaining about the loud noise coming from her home.

Ms. Meg Miller who owns property at 1605 Crest Drive and rents her house, stated she had gone around and introduced herself to the neighbors.

She stated Ms. Carstarphen has been a good neighbor. Ms. Miller stated there are no complaints from her.

Mr. Buddy Thomas who resides at 1609 Crest Drive, stated he is the one who keeps calling the law and he will continue to call the law. He stated that he is sick of all this noise. He stated not only is he sick of the loud music but two of the neighbors, one standing on the porch and the other being behind his house, who keep talking and yelling back and forth to each other. He stated this situation is really getting out of hand. He stated there was a knife fight in Ms. Carstarphen's yard just before Christmas. He stated if it's not the police in her yard, then its loud music or hollering and yelling. He stated that he is not the only resident that is tired of this situation.

Mr. Mike Green who resides at 1603 Crest Drive, stated his biggest problem has been with the dog. He stated he is also tired of the loud music. He stated the first time he approached her, he was called a racist. He stated the police records will show that there is certainly a problem. He stated he is awakened during the night due to the loud music or the loud talking. He stated he has watched the neighborhood change. He stated he wants to get along with his neighbors but it is tough. He stated there needs to be respect from all.

Mayor Mofield briefly commented to the public pertaining to this situation. She stated what we have here, is traditionally a quiet, peaceful and calm neighborhood. She stated in the past, there were never any problems in this neighborhood. She stated as for the barking dog and loud noise in this neighborhood, it has to stop. She stated that is why the Town has a noise ordinance and that it will be enforced. She stated that the noise ordinance runs from 10 p.m. in the evening until 6 a.m. in the morning. She stated this means no noise, none period. If the neighbors can hear it, then it's against the ordinance. If the police are called, they will respond.

Mayor Mofield then addressed Ms. Carstarphen informing her that she should have more consideration of her neighbors. She stated for whatever reasons, there has been over 50 calls to her residence in one year, and that something must be going on at this residence.

Mayor stated in all the years she has been on the Board, she knows of only one situation similar to this one and after addressing it, the situation was corrected. She stated there is a noise ordinance in the Town of Aberdeen and if it is violated, the police will respond.

- b. Manager Zell gave an update on the lake park project. He stated the architects are finishing up the drawings and hopefully bids will go out some time in February, bids will be received back in toward the end of March, and then will be sent to the LGC in April.
- c. Manager Zell informed the Board that the green sheet they received, shows pending, current and upcoming projects within the Town.
- d. Mayor Mofield informed the public that there are five Public Hearings to be held.

2. Declare the Town Board as the Redevelopment Commission for the Bethune Street CDBG Project.

Mayor Mofield then informed the Board a motion needed to be made that the Town Board be declared to act as the Aberdeen Redevelopment Commission for the Bethune Street CDBG Project.

A motion was then made by Commissioner Farrell, seconded by Commissioner Wright, that the Aberdeen Town Board of Commissioners be declared as the Redevelopment Commission for the Bethune Street CDBG Project. Motion unanimously carried.

PUBLIC HEARINGS

a. Public Hearing #1 on Bethune Street Redevelopment Plan: Housing and Infrastructure Improvements.

Mayor Mofield opened Public Hearing #1 on the Bethune Street Redevelopment Plan: Housing and Infrastructure Improvements for public comments and Board discussion.

Manager Zell stated the process is that the Redevelopment Commission present this project to the Board. He stated the Board will be accepting the new amended plan. He stated once this Public

Hearing is closed, then the Redevelopment Commission will vote to approve this amended plan. He stated this will include installing sidewalks+ and sewer, and acquiring seven or eight pieces of property for Habitat to build new houses. He stated there will be approximately 5 rehabs for renovations and 7 new houses constructed on the street and will also include sidewalks from Hwy. 211 to the school. He stated the grant is for \$780,000.00 and the Town will contribute \$75,000.00.

With no further comments, Mayor Mofield declared the Public Hearing on Bethune Street Redevelopment Plan closed.

A motion was then made by Commissioner Farrell, seconded by Commissioner McMurray, as the Redevelopment Commission, to approve the amended plan for the CDBG Bethune Street Redevelopment Plan. Motion unanimously carried.

A motion was then made by Commissioner Farrell, seconded by Commissioner McMurray, that the Redevelopment Commission adjourn and reconvene as the Aberdeen Town Board of Commissioners. Motion unanimously carried.

b. Public Hearing #2 on Bethune Street Redevelopment Plan: Housing and Infrastructure Improvements as an addendum to the Berkley Redevelopment Plan.

Mayor Mofield opened Public Hearing #2 on the Bethune Street Redevelopment Plan: Housing and Infrastructure Improvements as an addendum to the Berkley Redevelopment Plan.

Manager Zell stated this is the Public Hearing required to be held on the amended CDBG Bethune Street project as approved by the Redevelopment Commission.

With no further comments, Mayor Mofield declared Public Hearing #2 on the Bethune Street Redevelopment Plan: Housing and Infrastructure Improvements as an addendum to the Berkley Redevelopment Plan closed.

c. Public Hearing for CDBG Grant on Submission of a 2007 Community Development Revitalization Block Grant Application to provide partial funding for the Bethune Street Redevelopment Project.

Mayor Mofield then opened the Public Hearing for CDBG Grant on Submission of a 2007 CDBG Application to provide partial funding for the Bethune Street Redevelopment Project for public comments and Board discussion.

Manager Zell stated the process is that the Redevelopment Commission present this project to the Board to accept the new amended plan. He stated after the Public Hearing is closed, the Redevelopment Commission must vote to approve the amended plan. He stated the amended plan is to include putting sidewalks, sewer, acquire seven or eight pieces of property for Habitat to build 7 new houses and approximately 5 houses as rehabs. He stated the sidewalks will run from Hwy. 211 to the school. He stated the grant is for \$780,000.00 and the Town will contributed \$75,000.00.

Manager Zell then stated that this is the second required Public Hearing for the Bethune Street Redevelopment Project.

With no public comments and no further comments from the Board, Mayor Mofield declared the Public Hearing for the CDBG Grant on Submission of a 2007 CDBG Application for the Bethune Street Project closed.

d. Public Hearing on a petition submitted by Bob Stafford for the Sandy Springs Subdivision located on Pee Dee Road for voluntary contiguous annexation.

Mayor Mofield then opened the Public Hearing on a petition submitted by Bob Stafford for the Sandy Springs Subdivision located on Pee Dee Road for voluntary contiguous annexation for public comment and Board discussion.

Planning Director Ben Warren stated this is the next to final step in the annexation process. He stated the Planning staff has issued the first building permit to begin construction of a new house. He stated this subdivision will have up to 280 houses.

With no public comments or Board discussion, Mayor Mofield declared the Public Hearing on a petition submitted by Bob Stafford for the Sandy Springs Subdivision for voluntary contiguous annexation closed.

e. Public Hearing 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.

Mayor Mofield then opened the Public Hearing 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 for public comment and Board discussion.

Planning Director Ben Warren stated this is also the next to final step in the annexation process. He stated this subdivision contains 394 acres and will have up to 720 houses. He stated this does not include the golf course.

With no public comments or further Board discussion, Mayor Mofield declared the Public Hearing on a petition submitted by Forest City Pinehurst, LLC for the Legacy Lakes Subdivision for voluntary non-contiguous (satellite) annexation closed.

3. Setting of the Agenda

This item was moved to Item #1 and approved by the Board.

4. 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 11, 2006; Regular Work Session of January 2, 2007.

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

5. Informal Discussion and Public Comment

This item was moved to be the first item on the agenda, due to several citizens requesting to speak.

6. Financial Report

Finance Officer Beth Wentland gave the financial report for the month of December, 2006. She stated in the General Fund, the revenues were lower than expenditures leaving a net loss of \$126,530.49 for the month of December and a year-to-date net gain of \$224,636.75.

Mrs. Wentland stated in the Water/Sewer Fund, the month ended with a net gain of \$28,010.29 with a year-to-date net loss of \$321,007.57. She stated this net loss was due to the expenses from the new water tank.

Commissioner Wright asked if the Board could take out the tank expense and show this separately. Mrs. Wentland stated she would take care of this.

Mrs. Wentland then stated there were several budget amendments that needed to be approved as follows:

- a. Consideration of approval of Budget Amendment BA#07-02 in the amount of \$11,300.00 for Aberdeen Lake dam repair. She stated this will be appropriated from the General Fund-Fund Balance.

A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approved Budget Amendment BA#07-02 in the amount of \$11,300.00 for Aberdeen Lake dam repair to be appropriated from the General Fund-Fund Balance. Motion unanimously carried.

- b. Consideration of approval of Budget Amendment BA#07-03 in the amount of \$16,600.00 for the purchase of a new garbage truck. She stated this will be appropriated from the General Fund-Fund Balance. She stated the garbage truck was budgeted for \$108,000.00 in the FY2006-2007 budget, but the truck came in at \$124,600.00.

A motion was then made by Commissioner McMurray, seconded by Commissioner Wright, to approved Budget Amendment BA#07-03 in the amount of \$16,600.00 for the purchase of a new garbage truck to be appropriated from the General Fund-Fund Balance. Motion unanimously carried.

- c. Consideration of approval of Lake Park Recreation Center Project Ordinance #2006-435.

A motion was made by Commissioner McMurray, seconded by Commissioner Farrell, to approve the Lake Park Recreation Center Project Ordinance #2006-435 in order to pay for the project. Motion unanimously carried.

7. Old Business

- a. **Consideration to adopted Annexation Ordinance #42007 for voluntary contiguous annexation of the Sandy Springs Subdivision located on Pee Dee Road to be effective January 8, 2007.**

A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to adopt Annexation Ordinance #42007 for voluntary Contiguous annexation of the Sandy Springs Subdivision located on Pee Dee Road with annexation to be effective January 8, 2007. Motion unanimously carried.

- b. **Consideration to adopt Annexation Ordinance #42107 for voluntary non-contiguous (satellite) annexation of the Legacy Lakes Subdivision located off Hwy. 15-501 south to be effective January 8, 2007.**

A motion was made by Commissioner Wright, seconded by Commissioner Farrell, to adopt Annexation Ordinance #42107 for voluntary non-contiguous (satellite) annexation of the Legacy Lakes Subdivision located off Hwy. 15-501 south to be effective January 8, 2007. Motion unanimously carried.

- c. **Consideration to approve 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.**

A motion was made by Commissioner McMurray, seconded by Commissioner Farrell, to approve 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. Motion unanimously carried.

8. New Business

- a. **Consideration of approval of 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 informed the Board, at the last Work Session, there was concern that the rear door of this building had been closed off. He stated the fire inspector looked at this and notified Mr. Jackson of the problem. He stated that Mr. Jackson will knock out the blocks and the secondary doors will be installed.

A motion was then made by Commissioner Wright, seconded by Commissioner Farrell, to approve Application for Conditional Use Permit CU#06-03 submitted by Ronald Jackson to allow a welding shop/light assembly business which will be located at 100 Bud Place in a C-I Commercial and Industrial (Light) District with the following findings:

1. That all parties were duly notified.
2. That Ronald Jackson, the applicant, proposed to operate a light manufacturing business within a facility located on LRK's #50306 & 50307.
3. That the application for the welding shop/light manufacturing use was accepted on October 30, 2006 by the Town of Aberdeen Planning Department.
4. That Ronald Jackson (Quality Built Homes) owns a particular piece of property upon which the proposed welding shop/light manufacturing business will be situated.
5. That the proposed site details are as follows: Zoning: C-I Commercial & Industrial (Light); Adjacent Zoning: C-I Commercial & Industrial (Light); Acreage: 2 acres (+/-); Watershed: No; Floodplain: No; Historical Use: Industrial/Vacant Land.

6. That a light manufacturing type use requires 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 forward such recommendation to the Board of Commissioners.
8. That the establish, maintenance, or operation of the welding shop/light manufacturing use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
9. That the welding shop/light industrial use 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.
10. That the establishment of a welding shop/light manufacturing use 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 welding shop/light manufacturing use 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 the previously approved Site Plan SP#05-15.
13. That adequate measures have been taken to provide ingress and egress so designed to minimize traffic congestion 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.

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 the Board.
2. That the applicant, Ronald Jackson, satisfied all of the requisite standards pursuant to the Town of Aberdeen Zoning Ordinance.
3. That sufficient evidence was presented by Ronald Jackson 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 a conditional use permit for the welding shop/light manufacturing use to be located at 100 Bud Place is hereby approved.

Motion passed by a unanimous vote.

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

Item tabled for further review.

- c. Consideration of approval of Application for Zoning Amendment ZA#06-05 submitted by Sarah Ahmad regarding Non-conforming Use Amendment.**

A motion was made by Commissioner McMurray, seconded by Commissioner Farrell, to approve Application for Zoning Amendment ZA#06-05 submitted by Sarah Ahmad regarding non-conforming Use Amendment. Motion unanimously carried.

- d. Consideration to accept a 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. and adopt a Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31.**

A motion was made by Commissioner McMurray, seconded by Commissioner Farrell, to accept a 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. 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 Date of Public Hearing of Question of Annexation Pursuant to G.S. 160A-31 for February 12, 2007.**

The Board accepted the Clerk's Certificate. A motion was then made by Commissioner McMurray, seconded by Commissioner Wright, to accept the Clerk's Certificate of Sufficiency and adopt a Resolution Fixing Date of Public Hearing of Question of Annexation Pursuant to G.S. 160A-31 for February 12, 2007. Motion unanimously carried.

f. Consideration to adopt a Town of Aberdeen Declaration of Official Intent to Reimburse Pursuant to U. S. Treasury Regulations Section 1.150-2.

Manager Zell informed the Board the Town will be borrowing the money for the Lake Park Project. He stated if the Town has to spend any money prior to the time the money is borrowed, then the Town can reimburse itself the borrowed funds. He stated this cannot be done without this Declaration.

A motion was then made by Commissioner McMurray, seconded by Commissioner Farrell, to adopt a Town of Aberdeen Declaration of Official Intent to Reimburse Pursuant to U. S. Treasury Regulations Section 1.150-2 for the Lake Park Project. Motion unanimously carried.

g. Consideration to adopt Resolution Regarding the Contribution of Local Funds to the Bethune Street Redevelopment Project.

Manager Zell informed the Board this Resolution is the \$75,000.00 the Town will contribute to the Bethune Street Project. He stated this money will come out of the Water/Sewer Fund Balance.

A motion was then made by Commissioner McMurray, seconded by Commissioner Farrell, to adopt the Resolution Regarding the Contribution of Local Funds to the Bethune Street Redevelopment Project. Motion unanimously carried.

h. Consideration to adopt Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20.

Manager Zell stated this Resolution is to approve the Town going to the Local Government Commission to secure the loan for the Lake Park Project.

A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to adopt Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized

by North Carolina General Statute 160A-20. Motion unanimously carried.

i. Consideration to adopt N. C. DOT Enhancement Agreement Project E-2971 H sidewalks.

Manager Zell stated this municipal agreement is between the Town of Aberdeen and N. C. DOT for \$75,000.00 for the installation of sidewalks on US #1 Hwy. North from the Baptist Church up to the Presbyterian Church and possibly all the way to All State Glass. He stated the Town will install the balance. He stated the next step will be to bid out the project and hopefully open the bids by the end of January.

A motion was then made by Commissioner Farrell, seconded by Commissioner Wright, to adopt the N. C. DOT Enhancement Agreement Project E-2971 H for sidewalks up U. S. #1 Highway. Motion unanimously carried.

9. Other Business

- a. Manager Zell informed the Board of the Retirement Reception for Tommy Brock on Monday, January 22nd, 4 p.m. to 6 p.m. at the Aberdeen Fire Station.

10. Adjourn

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

Nancy M. Matthews, Town Clerk

Elizabeth B. Mofield, Mayor

This draft prepared and completed
January 15, 2007

The minutes adopted
February 12, 2007

