

ABERDEEN BOARD OF COMMISSIONERS

MINUTES OF WORK SESSION OF NOVEMBER 2, 2006

The Aberdeen Board of Commissioners met Thursday, November 2, 2006 at 5:30 p.m. for their regular scheduled Work Session. Members present were Mayor Elizabeth B. 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 Giles Hopkins, Deputy Planning Director Ben Warren and Matt Moriarity, Reporter for the Pilot. Others in attendance were Bob Koontz, Jeremy Rust and Peter Cousins and Kevin Vogal, all representing LandDesign and Nicholas Herman of the Brough Law Firm. There were several also in attendance pertaining to the Primax, LLC Project.

Mayor Pro-tem Farrell opened the Work Session. He stated that Mayor Mofield would be in attendance but was running late. He stated there were several items for review and discussion.

1. 2nd Public Hearing on Berkley Community Revitalization Grant scheduled for Monday, November 13, 2006.

Manager Zell stated this public hearing is required in order to move forward with the grant process. He stated after the public hearing, money can be disbursed. He stated this is the Keyser Street grant. **Agenda item as Public Hearing.**

2. Public Hearing on voluntary contiguous annexation requested by William and Edna Williams for property located at 811 Magnolia Drive, Aberdeen, N. C. scheduled for November 13, 2006.

Deputy Planning Director Warren informed the Board this will be a two-step process. He stated once the public hearing has been held, the Board can then adopt the ordinance. **Agenda item as Public Hearing.**

- 3. Public Hearing on voluntary contiguous annexation requested by Kenneth and Deborah Howell for property located at 10327 Hwy. 211, Aberdeen, N. C. scheduled for November 13, 2006.**

Deputy Planning Director Warren stated this also will be a two-step process and the ordinance may be adopted after the public hearing is held. **Agenda item as Public Hearing.**

- 4. Public Hearing on Proposed Zoning Code Text Amendment ZA#06-04 regarding the outdoor advertising signs (billboards) currently existing within the Town of Aberdeen, N. C. for November 13, 2006.**

Planning Director Hopkins stated that Lamar Advertising out of Elizabethtown, N. C., has made application to change the zoning ordinance of Aberdeen pertaining to billboards currently existing within the Town's jurisdiction.

Planning Director Hopkins stated currently, Sections 155.137G and 155.140A of the Town of Aberdeen's Zoning Ordinance specifically prohibit any new outdoor advertising signs or billboards. He stated, as a result, all existing outdoor advertising signs and billboards are regarded as nonconforming signs. He stated Sections 155.140A and 155.43C of the Ordinance disallow any structural alterations to nonconforming signs to include changing the shape, size, type or design. He stated a public hearing has been scheduled for the November Board meeting.

Planning Director Hopkins stated this item will go to the Planning Board for review and their recommendation back to the Town Board.

The Board requested a list of all billboards, where they are located and in what zoning area. **Agenda item as Public Hearing.**

- 5. Public Hearing on Proposed Zoning Code Text Amendment ZA#06-05 concerning the Continuation of Non-Conforming Uses.**

Planning Director Hopkins stated an inquiry has been made as to renovating and then using a building on the ground floor as a residence in the B-1 Central Business District. He stated currently, only those buildings occupied as residences at the time of adoption of the current zoning code may continue to be used as residences on the ground floor, which none the

less still makes them nonconforming uses. He stated, in order to allow continuation of such nonconforming use, the zoning code will need to be amended. He stated ZA#06-05 is one way of making it possible to have the ground floor of a building in the B-1 Central Business District able to be used for a residence. **Agenda item as Public Hearing.**

6. Application for Conditional Use Permit CU#06-02 and Site Plan Review SP#06-07 submitted by Verizon Wireless for a co-location antenna on an existing tower.

Deputy Planning Director Warren stated the public hearing was held at the October 9th Board meeting. He stated the lease agreement has already been approved. He stated the Planning Board has reviewed and recommends approval to the Town Board. **Agenda item as New Business.**

7. Amendment to Chapter 96: Pickets, Parades, Public Assemblies and Special Events.

Planning Director Hopkins stated he had an inquiry several months ago by a person concerning what was required to get a permit to preach on street corners in Aberdeen. He stated, after consultation with the Town attorney, it became apparent that the Town's current ordinance would not be enforceable as written.

Mr. Nicholas Herman, with the Brough Law Firm, was in attendance and briefly spoke giving a summary of a new chapter on pickets, parades, public assemblies and special events. He stated this proposed change will make it possible to have a greater degree of enforcement than the Town's existing ordinance. He stated if any Board member had any questions, they could contact him to discuss this proposed change in the ordinance.

8. Application for Site Plan Review SP#06-08 submitted by Primax Properties, LLC for a proposed retail center.

Planning Director Hopkins informed the Board that Primax Properties, LLC has submitted a site plan for a proposed retail center located adjacent to Starbucks. He stated the staff has reviewed the site plan and determined that it meets all of the Town's applicable codes. He stated the Planning Board reviewed this site plan at their October 19th meeting and

made a unanimous recommendation for approval. **Agenda item as New Business.**

9. Legacy Lakes Project.

Mr. Jeremy Rust of LandDesign and Peter Cousins of Forest City Land Group were in attendance requesting consideration to change from using curb and gutter to valley curbing and flushed concrete curbing with swells in the Legacy Lakes project. They gave a presentation on the current drainage situation in this development. They are requesting consideration of this change due to the high price of piping and concrete for the traditional concrete curb and gutter and the large water volume that would be created by the use of this type system.

Item will be further reviewed and considered at the next Work Session on November 30th.

10. Bid tabulation for Well #19.

Manager Zell informed the Board that bids were received on October 19th at which time they were opened and read aloud. He stated three bids were received and the low bid was submitted by Gilliam Construction of Carthage, N. C. He stated that Hobbs, Upchurch & Associates, the Town's engineering division for this construction, recommended the Town to award the project to Gilliam Construction in the amount of \$101,960.00. **Agenda item as New Business.**

11. Other Business.

- a. Manager Zell informed the Board that Mt. Lebanon Holiness Church would have street services on Main Street (a DOT street), from Sycamore to Poplar. He stated this would be Friday from 6 to 8 p.m. He stated the Town does not have an ordinance in place pertaining to this type of function.
- b. Manager Zell informed the Board that a letter has been sent to all affected property owners pertaining to the Bethune Street Project. He stated the meeting would be November 20th at 6 p.m. at the Town Municipal Building.

- c. Manager Zell distributed to the Board a memorandum pertaining to the NIMS class for November 8th from 1 – 3 p.m. at the fire station. He stated the Town has to be in compliance with the National Incident Management System implementation requirements as a condition to receive federal preparedness funding assistance. Those required to attend are the elected officials and department heads. He also stated if the Town does not comply, then there will be no FEMA funds available if there is a disaster.
- d. Manager Zell asked the Town if they wanted a specific amount of the water rate increase to go to a specific project. He stated the increase will be in the January billing. The Board will review the question and decide at a later meeting.
- e. Manager Zell stated he would be meeting with the architect on Tuesday, November 7th to prepare the schedule for the lake building project.
- f. Manager Zell informed the Board that he has not heard back from DOT concerning the proposed sidewalks on US# 1 Highway.
- g. Manager Zell stated the Depot repairs are about completed. He informed the Board that crosswalk stripes are to be installed and the Railroad Club is continuing to work in getting the museum up and running.

12. Adjourn.

With no other items of business, a motion was made by Commissioner Parker, seconded by Commissioner Farrell, to adjourn the Work Session. Motion unanimously carried.

Nancy M. Matthews, Town Clerk

Elizabeth B. Mofield, Mayor

