

MINUTES
NOVEMBER 14, 2005

The Aberdeen Board of Commissioners met Monday, November 14, 2005 at 7:00 p.m. for their regular Board meeting. Members present were Commissioners Robbie Farrell, Arthur Parker, Terry Marquez, Pat Ann McMurray and Donna Shannon. Mayor Elizabeth Mofield was out of town and unable to attend. Others in attendance were Town Manager Bill Zell, Planning Director Giles Hopkins, Finance Officer Beth Wentland, Town Clerk Nancy Matthews and Jim Desart, Reporter for the Moore County Independent Newspaper. There also were approximately forty people in attendance to the Board meeting.

1. Call to Order

Mayor Pro-tem Farrell opened the meeting. He stated the first item of business would be the recognition of the graduates of the Citizens Academy Program.

Recognition of the First Annual Citizens Academy Program Class Graduation

Manager Zell gave a brief history on the establishment of the CAP Program and how he plans to make this an annual event. He then introduced each of the twelve citizens who attended the six-week course and presented each with a Certificate of Appreciation for attending. Those attending the course were Allyn Bublitz, Matthew Bublitz, Charlotte Donovan, Owen Gallagher, Elease Goodwin, Steve Guyton, Thelma Howard, Diane Innes, Charlie Needham, Joel Stancil, Dale Streicker and Mary Williamson.

Several of those who attended the course stated they would be interested in attending again next year.

Mayor Pro-tem Farrell then stated there were several Public Hearings scheduled for public comments and Board discussion.

2. PUBLIC HEARINGS

- a. **Application for Conditional Use Permit CU#05-11 submitted by Ann Turner, DVM, for a small animal emergency clinic to be located in a HC Highway Commercial District.**

Mayor Pro-tem Farrell opened the Public Hearing on CU#05-11 submitted by Ann Turner, DVM, for public comments and Board discussion.

Planning Director Hopkins stated this proposed clinic would be at the back of the Town and Country Shopping Center and this type clinic would be a first in Moore County.

Dr. Ann Turner, DVM, stated she had always wanted to open this type of clinic for a long time. She stated this would be for emergency use only. She stated no animals will be allowed outside. It will all be inside. She stated the times of opening are to be in the evenings, over night, Saturdays, Sundays and holidays.

Ms. Mary Andrews, who lives in Robins Walk, stated that she and others in this community are opposed to this emergency clinic. She stated the residents in her community will present a petition requesting opposition to this emergency clinic.

Mr. Danny Bowers, spoke stating that the clinic will offer a needed service and will give the other vets a relief from having to do this type of emergency service on nights and weekends.

Mrs. Sandy Marts spoke stating the residents in Robins Walk will not even know that there is a clinic in this area.

With no further public comments or Board discussion, Mayor Pro-tem Farrell declared the Public Hearing on Conditional Use Permit CU#05-11 closed.

b. Application for Conditional Use Permit CU#05-12 submitted by Shirley McCrimmon to build a two-family dwelling on property she owns at the corner of Keyser Street and Chisholm Road.

Mayor Pro-tem Farrell then opened Public Hearing on Conditional Use Permit CU#05-12 for public comment and Board discussion.

Planning Director Hopkins stated duplexes are allowed as a Conditional Use. He stated Ms. McCrimmon has submitted for a duplex to go on two lots that have been combined into one.

Ms. Shirley McCrimmon, owner of the property, briefly spoke stating she plans to move back to this area and would like to have the available housing for her family.

Mr. Curtis Hill, spoke stating that two units could be placed on this property. He stated Ms. McCrimmon would like to put the two units but would like them to be two extra units placed on the top. He stated if the two extra units could be allowed, Ms. McCrimmon would like to do this.

With no further public comment or Board discussion, Mayor Pro-tem Farrell declared the Public Hearing on Conditional Use Permit CU#05-12 closed.

c. Zoning Code Text Amendment ZA#05-06 submitted by the Town of Aberdeen to amend the zoning code to restrict the height of flagpoles in a commercial zoning district.

Mayor Pro-tem Farrell then opened Public Hearing on Zoning Code Text Amendment ZA#05-06 for public comment and Board discussion.

Planning Director Hopkins stated currently there is no limitation on flagpoles in terms of height nor do we have any on church steeples or chimneys on houses. He stated this would restrict flagpoles to 35 ft. in height in commercial areas. He stated something of an extreme height would not be in character within the Town. He stated this is also an effort to keep things uniform.

Mayor Pro-tem Farrell stated he wanted it to be made known that this is not restricting the American Flag but restricting the height of the flagpole.

With no further Board discussion, Mayor Pro-tem Farrell declared the Public Hearing on Zoning Code Text Amendment ZA#05-06 closed.

d. Town of Aberdeen Comprehensive Land Development Plan.

Mr. Tom King from the Division of Community Assistance, briefly spoke stating the Comprehensive Land Development Plan is a living, breathing instrument, if the Town uses it. He stated there was a Public Hearing in August of 2004, where about 80 citizens attended giving their input of goals and objectives, strengths and weaknesses. He stated the population and economic data was compiled. He stated the Planning Board came up with eight goals with actions to implement these goals.

Mr. Hopkins stated there would be copies of the proposed CLD Plan for review by the public as this is a public document.

With no further comments, Mayor Pro-tem Farrell declared the Public Hearing on Aberdeen's Comprehensive Land Development Plan closed.

3. Setting of the Agenda

Manager Zell stated two items needed to be added under Other Business: 9-a – Contract Agreement with Susan Hatchell and Town of Aberdeen for Parks & Recreation Master Plan Design and 9-b – Letter to G. R. Kindley, NCDOT, pertaining to US 15/501 Highway proposed bridge.

A motion was made by Commissioner Parker, seconded by Commissioner Marquez, to approve the Setting of the Agenda as amended. Motion unanimously carried.

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 October 10, 2005; Regular Work Session of November 3, 2005.

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

5. Financial Report

Finance Officer Beth Wentland gave the financial report for the month of October. She stated in the General Fund, the total revenues were higher than the expenses by \$205,446.94 and the current year-to-date net gain at \$419,220.16.

Ms. Wentland stated, in the Water/Sewer Fund ended with a net gain of \$146,283.38 with a year-to-date net gain at \$143,916.59.

6. Informal Discussion and Public Comment

Manager Zell informed the Board of the Annual Tree Lighting to be held on Tuesday, December 6, at 6 p.m. He stated this will be at the Aberdeen Municipal Building.

7. New Business

a. Consideration of Approval of Application for Conditional Use Permit CU#05-06 submitted by Stafford Land Company, Inc. for a Residential Planned Development to be located on the east side of Pee Dee Road between Blyther Street and Keyser Street.

A motion was made by Commissioner McMurray, that the Board make the following Findings of Fact:

- A. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- B. That the conditional 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;
- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- D. That the exterior architectural appeal and functional plan of any proposed structure 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;
- E. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- G. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board.

And that the following **Additional Conditions** be attached to Conditional Use Permit CU#05-06:

- 1) Required concrete valley curbs and gutters.
- 2) Approval of the unit layout plan, lot sizes, number of lots and other related plans attached to the latest versions of the application(s). Should any of the above conditions or any of the additional conditions be invalid, this permit shall become null and void and of no effect.

The motion was seconded by Commissioner Parker. Motion unanimously carried.

- b. Consideration of Approval of Application for Conditional Use Permit CU#05-08 submitted by Clift Commercial, LLC for a Residential Planned Development to be located on the east side of Saunders Boulevard known as Lighthouse Trace.**
- (a) Application for Site Plan Review SP#05-13 submitted by Clift Commercial, LLC for a Residential Planned Development to be located on the east side of Saunders Boulevard known as Lighthouse Trace.**

The Board requested that wording under additions be changed to add: “as situation will allow”.

A motion was made by Commissioner Shannon, that the Board make the following Findings of Fact:

- A. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- B. That the conditional 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;
- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. That the exterior architectural appeal and functional plan of any proposed structure 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;
- E. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- G. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by

the Board of Commissioners pursuant to the recommendation of the Planning Board.

And that the following **Additional Conditions be** attached to Conditional Use Permit CU#05-08:

- 1) No building permits are to be issued until all required permits are secured/approved including a State of North Carolina approved storm water plan.
- 2) Curbs and gutters or as the situation will allow.
- 3) Approval of the unit's layout and other related plans attached to the latest versions of the application(s). Should any of the above conditions or any of the additional conditions be invalid, this permit shall become null and void and of no effect.

And that Application for Site Plan Review SP#05-13 be approved.

The motion was seconded by Commissioner Marquez. Motion unanimously carried.

c. Consideration of Approval of Application for Conditional Use Permit CU#05-09 submitted by Davidson and Jones Residential, LLC for Glen Laurel Subdivision, Phase V, located at the end of Magnolia Drive.

A motion was made by Commissioner Shannon, that the Board make the following Findings of Fact:

- A. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- B. That the conditional 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;
- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. That the exterior architectural appeal and functional plan of any proposed structure 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;

- E. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- G. That the conditional use shall, in all other respect, conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board.

And that the following **Additional Conditions** be attached to Conditional Use Permit CU#05-09:

- 1) Require concrete valley curbs and gutters.
- 2) Extend concrete sidewalks all around cul-de-sac.
- 3) Reduce number of permitted dwelling units from 66 in original Phase V, Glen Laurel Subdivision to 60.
- 4) Approval of the unit's layout and other related plans attached to the latest versions of the application(s). Should any of the above conditions or any of the conditions hereto be invalid, this permit shall become null and void and of no effect.

The motion was seconded by Commissioner Parker. Motion unanimously carried.

d. Consideration of Approval of Application for Conditional Use Permit CU#05-10 submitted by Rowena Galbreath for a home occupation (Beauty Salon) to be located within her residence at 605 Sanborn Street in an R-10 Residential District.

A motion was made by Commissioner McMurray, that the Board make the following Findings of Fact:

- A. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- B. That the conditional 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;

- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - D. That the exterior architectural appeal and functional plan of any proposed structure 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;
 - E. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
 - F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 - G. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board. Should any of the above conditions or any of the conditions of the above hereto be invalid, this permit shall become null and void and of no effect.
- And that Conditional Use Permit CU#05-10 be approved.

The motion was seconded by Commissioner Parker. Motion unanimously carried.

e. Consideration of Approval of Application for Site Plan Review SP#05-15 submitted by Ron Jackson, Quality Built Homes, to build a building as a lease facility for wholesale business and other permitted commercial and industrial light uses.

A motion was made by Commissioner McMurray, seconded by Commissioner Parker, to approve Application for Site Plan Review SP#05-15 submitted by Ron Jackson to build a lease facility for wholesale businesses and other permitted commercial and industrial light uses. Motion unanimously carried.

8. Old Business

- a. **Consideration of Approval of Application for Conditional Use Permit CU#05-07 submitted by Royal/Longstreet, LLC for multi-family dwelling condos to be located on the east side of Saunders Boulevard directly across from Bronwyn Street.**
 - (a) **Application for Site Plan Review SP#05-10 submitted by Royal/Longstreet, LLC for multi-family dwelling condos to be located on the east side of Saunders Boulevard directly across from Bronwyn Street.**

A motion was made by Commissioner Marquez, that the Board make the following Findings of Fact:

- A. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- B. That the conditional 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;
- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. That the exterior architectural appeal and functional plan of any proposed structure 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;
- E. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- G. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board.

And that the following **Additional Conditions** be attached to Conditional Use Permit CU#05-07:

- 1) No curbs and gutters are required.
- 2) Approval of the unit layout plan and other related plans attached to the latest versions of the application(s). Should any of the above conditions or any of the conditions be invalid, this permit shall be come null and void and of no effect.

And that Application for Site Plan Review SP#05-10 be approved. Motion was seconded by Commissioner Parker. Motion unanimously carried.

9. Other Business

a. Consideration of a revised contract agreement with Susan Hatchell Associates and the Town of Aberdeen for the Parks & Recreation Master Design for the lake facilities.

There was some discussion from the Board pertaining to the proposed agreement. Manager Zell stated the contract had been changed from an amount of \$60,870.00 to \$49,200.00, which would save the Town some money. He also stated the current schedule would remain the same.

Commissioner Parker had a question about the contract specifying that the Town will receive preliminary building plans. He questioned the last sentence on page 2 of the proposed contract. He stated we now are spending \$49,000 and we still don't have a building.

Manager Zell stated this contract is only for the preliminary drawings. Then if the Board agrees, the Board will contract with Oakley Associates to render the drawings for the building. He stated this will be a total different contract.

A motion was made by Commissioner Marquez, seconded by Donna Shannon, to approve the contract agreement between Susan Hatchell Associates and the Town of Aberdeen as amended. Commissioners Marquez, Shannon and McMurray voted Yes. Commissioner Parker voted No. Motion carried 3 to 1.

b. Consider proposed letter to G. R. Kindley, NCDOT.

Manager Zell stated the Board had requested that a letter be prepared and signed by the Mayor, and send to Mr. Kindley asking that NCDOT move up the construction of the proposed bridge over 15//501. He then read the letter to the Board.

10. Adjourn

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

Nancy M. Matthews, Town Clerk

Robert A. Farrell, Mayor Pro-tem