

Minutes  
Regular Board Meeting  
Aberdeen Town Board

May 19, 2014  
Monday, 6:00 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, May 19, 2014 at 6:00 p.m. for the Regular Board Meeting. Members present were Mayor Robert A. Farrell, Mayor Pro-tem Jim Thomas, and Commissioners Pat Ann McMurray, Joe Dannelley, and Elise Goodwin. Commissioner Buck Mims was not in attendance for the meeting. Staff members in attendance were Planning Director Pam Graham, Planner Jae Kim, Town Manager Bill Zell, and Town Clerk Regina Rosy. Barbara Allred, Kenneth Byrd, Charlie Needham, Dell Crumpton, Maurice Holland, Sr., and Reporter for the Pilot Ted Natt were also in attendance for the meeting.

Mayor Farrell called the meeting to order at 6:00 p.m. and welcomed everyone in attendance.

1. Call to Order

a. Pledge of Allegiance.

2. Setting of the Agenda

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Dannelley, to approve the setting of the agenda as presented. Motion unanimously carried 4-0.

3. 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 on April 21, 2014.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin, to approve the consent agenda as presented. Motion unanimously carried 4-0.

4. Public Hearing

a. Conditional Zoning Request CZ #14-02 from R10-10 to B-3-C.

Mayor Farrell opened the public hearing on Conditional Zoning Request CZ #14-02 from R10-10 to B-3-C.

Director Graham stated the request is for a conditional zoning request to rezone two parcels on South Pine Street from R10-10 to B-3-C. Director Graham explained how a conditional zoning process works. Director Graham displayed an aerial photograph of the property and a map of zoning districts surrounding the property.

Director Graham gave a brief description of the project background. Director Graham stated both of Ron Jackson's projects received site plan approval back in 2008. When the UDO was adopted, multi-family was removed from the R10-10 district.

Director Graham displayed a photograph of the existing 9-townhome unit. Director Graham displayed a photo of the proposed location for development. Director Graham stated the Board can impose any conditions they feel are appropriate for a conditional zoning.

Director Graham reviewed the list of uses for the B-3 District, and also a list of uses that are not allowable.

Director Graham stated since 2009, Aberdeen has taken efforts to slow the growth of multi-family development to achieve a reasonable balance of residential types. Graham stated steps were taken to help create this balance, which is multi-family design requirements are much higher than even the commercial district. Density limitations, landscaping, how garages are faced, open space requirements, outdoor lighting, etc. are included in those design requirements for multi-family.

Director Graham stated any time rezoning is being considered, then plan consistency needs to be considered. Graham stated the project area is classified as residential. Director Graham stated an amendment to the Comprehensive Land Use Plan calls for a slowdown in multi-family development.

Director Graham stated a community meeting has already been held and minutes have been provided. Director Graham stated mutual agreement must be achieved between the Town and the applicant on any conditions to be applied to the project, or the project cannot be approved.

Director Graham stated the Planning Board recommended approval of CZ #14-02 with amended conditions, with a vote of 5-1.

Mayor Farrell asked if anyone would like to speak.

Ron Jackson stated the property was bought in 2005. Mr. Jackson stated he put Lori Lane and Argyll Lane in, built the 9-unit townhome, and the economy turned. Mr. Jackson stated the property was originally zoned B-3, and he paid for the water and sewer tap in 2008. Mr. Jackson stated he paid an additional fee recently. Mr. Jackson stated he would like to finish up the project, and do an exact project of what he has already completed in that location. Mr. Jackson stated all property on one side of Argyll Lane is already zoned B-3.

With no further discussion, Mayor Farrell closed the public hearing on Conditional Zoning Request CZ #14-02 from R10-10 to B-3-C.

5. Informal Discussion and Public Comment

Nancy Renfold asked for permission to use the Town brand logo to create signs and sell them. Ms. Renfold stated the proceeds from her sales will go to the American Cancer Society. Commissioner McMurray suggested Nancy speak with the Historic Preservation Commission since there are signs in the historic district that are in desperate need of repair. Mayor Farrell stated the Manager will check with the Town Attorney to see legally how to allow usage of the Town Brand. Commissioner Dannelley asked for the Manager to research this and get an answer to Nancy by June 2<sup>nd</sup>.

6. Financial Report

Manager Zell stated at the end of April, the General Fund is looking really good with \$1,364,251. Manager Zell stated the noteworthy revenues include loan proceeds for the new aerial fire truck. Manager Zell stated the aerial fire truck should be delivered by the end of next week. Manager Zell stated the Water and Sewer Fund is in the red at this point, since all expenses were in April. Manager Zell stated by the end of the year, Water and Sewer Fund will be in the black. Commissioner Dannelley asked if the Financial Report could be included on the big screen for future Board Meetings so the public can see the information the Board is looking at. Manager Zell stated for R&P, we are within \$20,000 of the \$3.2 million that was budgeted, which is great. Commissioner Dannelley asked if the news will be the same at the June Board Meeting regarding the financial reports. Manager Zell stated at the June meeting, we will not have all of the

numbers for the end of the year, but we will have historical numbers that can get us pretty close.

7. Old Business

None

8. New Business

a. Conditional Zoning Request CZ #14-02 from R10-10 to B-3-C.

Director Graham referred the Board members to their support information for a motion format for how to handle these motions.

Commissioner Dannelley asked since this item was held last month, and voted on, does this item just need to go through due process. Director Graham stated last month a public hearing was held, but the legal notice requirements were not met, therefore the public hearing needed to be re-held. Director Graham stated all legal notice requirements have been met, and the public hearing has been re-held with input from Ron Jackson.

Commissioner Dannelley asked if the parcel was in fact zoned B-3 when Mr. Jackson purchased the property, or was it zoned R10-10. Mr. Jackson stated in 2008, the property was still zoned B-3. Commissioner Dannelley asked Director Graham when the zoning of the property changed. Director Graham speculated that perhaps the zoning change took place during adoption of the UDO. Director Graham stated she does not have the exact date of the rezoning, but can research that information.

Mayor Farrell asked to see the aerial photograph of the area again. Mayor Farrell pointed out single family is surrounding the property on most sides. Commissioner Dannelley stated as a citizen he would prefer to see single family housing in that area. Commissioner Dannelley stated he would like to understand the timeline of when and why the zoning was changed. A motion was made by Commissioner Dannelley, seconded by Commissioner McMurray, to table this item until June 2, 2014, when additional information can be obtained regarding the zoning change. Motion unanimously carried 4-0.

b. Demolition Agreement with the Heirs of Marie L. Bethea for property located at 1107 Keyser Street.

Director Graham stated two minimum housing cases are currently being pursued. Director Graham stated when residential dwellings no longer meet building standards and present a safety or health hazard to the public, then this is a process used to determine what owners are willing and/or able to do with the property and how to remedy the situation. Director Graham stated state statutes require a hearing during the minimum housing process. Director Graham stated the two surviving heirs attended the hearing on this issue on May 12, 2014. Ms. Dorothy Allbrooks and Ms. Mary Anne Bethea stated they are financially unable to remove the structure, and agreed with the decision that the Town would remove said structure. Ms. Allbrooks and Ms. Bethea also stated they understood a lien would be placed on the property to cover the cost of the removal and that said lien would be reimbursed to the Town upon future transfer of ownership of the property.

Director Graham stated NC General Statutes require that the property owner be allowed a minimum of 60 days to remedy the defective conditions by repairing, closing, vacating, or demolishing the structure. Director Graham stated in cases where the order is not in dispute, and where the owner has stated they are unable to comply, the Town may enter into an agreement with the property owners that would permit removal of the structure prior to the 60 day requirement. Director Graham stated the Demolition Agreement would need to be signed by both of the heirs and allow the Town Manager to enter into this agreement on behalf of the Town.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin, to approve the Demolition Agreement with the Heirs of Marie L. Bethea for property located at 1107 Keyser Street. Motion unanimously carried 4-0.

9. Other Business

a. CDBG Monthly Status Updates.

(1) Midway Gardens Grant - #10-C-2207

Planner Kim stated all line items are on schedule. The Town was granted an extension approval, which requires the Town to submit a certified letter stating that all activities are on schedule by the 10<sup>th</sup> of each month.

(2) 2011 SBEA Grant #11-C-2331

Planner Kim stated all 4 line items are on schedule.

(3) Berkley Phase 3 Sewer Grant - #12-C-2510

Planner Kim stated all line items are on schedule.

(4) 2012 SBEA Grant #12-C-2438

Planner Kim stated the Town is currently going through a budget amendment process, which means the grant is off schedule, but businesses are currently able to spend budget dollars.

Mayor Farrell asked if an ending date could be added to each of these items for future agendas. Commissioner Dannelley asked Planner Kim to start providing a brief summary of each of these grant updates in written form to be included with the agenda packet in the future, rather than lengthen the agenda.

Mayor Farrell thanked staff for their hard work on these grants.

Planner Kim stated a new Community/Downtown Development Planner will be presenting these updates at future meetings.

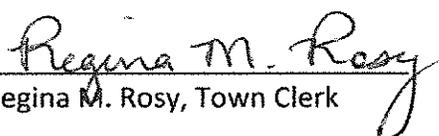
b. Update on PARTF Grant for Ray's Mill Pond.

Manager Zell stated a meeting was held on April 28<sup>th</sup> with the design contractors, Site Solutions out of Charlotte, and HH Architecture out of Raleigh. Manager Zell stated he met with the contractors and with Mayor Farrell, Commissioner Mims, and Director Baggs. Manager Zell stated several things were determined during the meeting – enough dollars are not available in the grant for an education center. Manager Zell stated by changing from an environmental education center to an environmental education shelter enough dollars will be available to complete the project. Manager Zell stated a resolution was approved this previous Saturday to receive bids to sell the home located on the property, and move the building. An ADA trail will be designed by the contractor. Manager Zell stated Ms. Baggs is in contact with the wildlife folks that have agreed to build the pier free of charge. Manager Zell stated if an extension is needed next March, he feels comfortable that an extension can be awarded if needed. Mayor Farrell explained to the public that

because the building code has changed since receiving the grant, there are no longer enough dollars available in the project budget to complete all of the original proposals. Mayor Farrell described each of the aspects of the project and what will be included.

10. Adjournment

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin, to adjourn the Board Meeting. Motion unanimously carried 4-0.

  
Regina M. Rosy, Town Clerk

Minutes were completed in  
Draft form on May 19, 2014

  
Robert A. Farrell, Mayor

Minutes were approved  
on June 16, 2014

