

MINUTES
MAY 8, 2006

The Aberdeen Board of Commissioners met Monday, May 8, 2006 at 7:00 p.m. for their regular Board meeting. Members present were Mayor Elizabeth Mofield and Commissioners Pat Ann McMurray, Donna Shannon, Arthur Parker and Robbie Farrell. Commissioner Walter Wright was unable to attend. Others in attendance were Town Manager Bill Zell, Town Clerk Nancy Matthews, Planning Director Giles Hopkins and Finance Officer, Beth Wentland. Planning Board members present were Elease Goodwin and Maurice Holland. Reporter Matthew Moriarity from the Pilot and Evan McMorris from the Moore County Independent Newspaper were in attendance.

1. Call to Order

Mayor Mofield called the meeting to order. She stated there was one Public Hearing to be held.

PUBLIC HEARING

a. Public Hearing on proposed Zoning Code Text Amendment ZA#06-01 regarding sidewalk requirements in all zoning districts within the Town of Aberdeen.

Mayor Mofield opened the Public Hearing on proposed Zoning Code Text Amendment ZA#06-01 for public comments and Board discussion.

Planning Director Giles Hopkins stated the proposed zoning text amendment would require sidewalks in commercial/industrial and residential districts.

Mr. Ron Myers spoke on behalf of several developers pertaining to this proposed zoning code text amendment. He stated he was concerned about this amendment which would require sidewalks and curb and gutter as it would cause the price of the lot to the consumer to increase by 14%. He stated a house under the existing ordinance would cost \$166,000. He stated the same house under the proposed ordinance would cost \$295,400.00, causing a 77% increase in the sale of this house. He stated he just cannot sell a \$295,000

house, at this price, off of Highway 5. He stated that he could sell houses in the \$150,000 - \$200,000 range immediately. He stated these formulas (used to guide the pricing of housing) do not take into consideration the 20% green or open space also being contemplated by the Board.

Mr. Myers respectfully requested that the Board take a careful look at this proposed zoning amendment before this action kills his development and any future developments for Aberdeen.

Developer Jackie Speight briefly spoke stating that some developments may need curb and gutter and some don't. He stated only an engineer would know if curb and gutter or asphalt wedge curbing would best work on each particular piece of property. He stated that sidewalks would be ok on one side of the street and this would be a positive thing. He stated sometimes, there is just not enough space in order to place sidewalks on both sides of the street.

Mr. Bruce Shepherd, owner of Aberdeen Ridge Golf Course located on Shepherd Trail, stated once the Board commits to curbing, you then have everything running down stream which causes situations on disbursement of where the water flows, which can cause pollution of the streams. He stated this is due to bad design. He stated he could not emphasize enough, that it is the question of design of the particular piece of property.

With no further public comments or Board discussion, Mayor Mofield declared the Public Hearing on Zoning Code Text Amendment ZA#06-01 closed.

2. Setting of the Agenda

With no additions or deletions, a motion was made by Commissioner Parker, seconded by Commissioner McMurray, to approve the Setting of the Agenda. Motion unanimously carried.

3. 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 April 10, 2006; Regular Work Session of April 27, 2006; Continuation of Work Session of May 2, 2006.
- b. Resolution Seeking N. C. General Assembly Funding for the Support of the Fort Bragg/Pope Air Force Base Regional Land Use Advisory Commission (RLUAC).

With no changes or corrections, a motion was made by Commissioner Parker, seconded by Commissioner McMurray, to approve the Consent Agenda as presented. Motion unanimously carried.

4. Financial Report

Finance Officer Beth Wentland gave a brief financial report for the month of April. She stated in the General Fund, the total revenues were lower than the expenses by \$93,009.32, giving a year-to-date net gain at \$330,382.28.

Mrs. Wentland stated in the Water/Sewer Fund, the revenues were higher than expenses by \$95,802.71. She stated this was due to the bi-monthly billing collections. She stated the year-to-date net gain at \$127,941.26.

5. Informal Discussion and Public Comment

Proclamation Dedicating May 15, 2006 as Peace Officers Memorial Day and the Week of May 15-21, 2006 as Law Enforcement Officers Week.

Mayor Mofield read the Proclamation to the public. She then recognized two of the Town's police officers who were in attendance. She also commented on the loyalty and dedication of the Town's officers and

asked that everyone remember to thank the officers for their service to the citizens of Aberdeen.

Mr. Maurice Holland of Midway Rd., asked the Board pertaining to the status of the CDBG grant for the Midway sewer project. Manager Zell informed Mr. Holland that he had just received a call from the NC Division of Community Assistance indicating that money is still available for this project. He stated the Town did not make the first round in award of grants but that there was money left over. He stated the application has to be completed and sent to the state before June 1st. He stated it looks as if the Midway grant will go through.

6. New Business

a. Consideration of approval of various legal documents pertaining to the proposed Legacy Golf Links.

Town Attorney, T. C. Morphis, was in attendance and stated that the Board would need to approve each of the various legal documents separately.

On the proposed resolutions for the acquisition of the Martin, Ransdell and Legacy Easements and for entering into the water/sewer extension contract with Forest City,

- a. That the Town of Aberdeen enter into the Public Utility Easement Agreements between the Town and the Martins, Mr. Ransdell and Legacy Golf Links Limited Partnership as they have been written and presented to the Aberdeen Board of Commissioners. Motion was made by Commissioner Parker, seconded by Commissioner McMurray. Motion unanimously carried.
- b. That the Town enter into the Water/Sewer Extension Contract between the Town and FC Pinehurst, LLC as it has been written and presented to the Aberdeen Board of Commissioners as presented, and
- c. That the Town staff is hereby authorized to attach any and all necessary exhibits or appendices to the Public Utility Easement Agreements and the Water/Sewer Extension Contract after they are signed by the Town Mayor and the Town Clerk.

Motion was made by Commissioner Parker, seconded by Commissioner McMurray. Motion unanimously carried.

On the proposed resolutions for the acquisition of CSX License No. CSX-055550,

1. That the Town accepts CSX License No. CSX-055550 as it has been originally written and presented to the Board of Commissioners. Motion was made by Commissioner Farrell, seconded by Commissioner Parker. Motion unanimously carried.
2. That after the Town Mayor and Town Clerk sign CSX License No. CSX-055550, Town staff is hereby authorized to substitute the following language for the original license language:
 - a. any language that clarifies that the Town is not liable for damage or injury caused by CSX Transportation, Inc. or its employees when engaged in willful misconduct or gross negligence and
 - b. any language that bases the cost to renew the CSX License No. CSX-055550 upon an identifiable and predictable number, such as the rate of inflation or a defined percentage of the current license fee. Motion made by Commissioner Parker, seconded by Commissioner Shannon. Motion unanimously carried.
3. That the Town staff is authorized to attach any and all necessary exhibits or appendices to CSX License No. CSX-055550 after it is signed by the Town Mayor and Town Clerk. Motion made by Commissioner Shannon, seconded by Commissioner McMurray. Motion unanimously carried.
4. That Town staff is hereby authorized to submit a certificate of insurance along with the signed license that identifies the Town's current commercial general liability limit of \$2 million. Motion made by Commissioner McMurray, seconded by Commissioner Farrell. Motion unanimously carried.
5. That if CSX Transportation, Inc. rejects the Town's current commercial general liability limit as being insufficient per the terms of CSX License No. CSX-055550, the Town Manager is hereby authorized to incur an additional expense of up to \$3,000 per year to acquire the additional insurance necessary to satisfy the terms of the license. Motion made by Commissioner Farrell, seconded by Commissioner Parker. Motion unanimously carried.

7. Old Business

- a. **Consideration of approval of Application for Preliminary Plat Review PLP#06-02 submitted by Stafford Land Company for the Sandy Springs Subdivision.**

After a lengthy discussion and still concerns from the Board, a motion was made by Commissioner McMurray, seconded by Commissioner Farrell, to table this item for further discussion and review during the May 11th Budget Work Session. Motion unanimously carried.

- b. **Consideration of approval of lease agreement with Sandhills Central Model Railroad Club.**

A motion was made by Commissioner Parker, seconded by Commissioner McMurray, to approve the lease agreement with the Sandhills Central Model Railroad Club for the Aberdeen Depot. Motion unanimously carried.

- c. **Consideration of adoption of amendments to the Town of Aberdeen Personnel Policy.**

Manager Zell briefly reviewed the amendments to the Town's Personnel Policy as follows:

- a. Article III, Section 1 – Work Schedule/Time Sheets
- b. Article IV, Section 10 – Annual Vacation Leave – Terminal Pay and Re-payment of Annual Leave
- c. Article IV, Section 30 – Educational Leave with Pay
- d. Article IV, Section 33 – Administrative Leave
- e. Article V, Section 5 – Tuition Assistance
- f. Article V, Section 6 – Longevity Pay
- g. Article V, Section 7 – Insurance for Retirees
- h. Exhibit 12, Exit Interview
- i. Exhibit 14, Inclement Weather Standard Procedure
- j. Exhibit 15, Tuition Assistance Application

Manager Zell stated the Electronic Communications Policy will be a separate document and will not become a part of the Personnel Policy.

With no changes, a motion was made by Commissioner Parker, seconded by Commissioner McMurray, to adopt the amendments to the Town of Aberdeen Personnel Policy as presented and also, to adopt the Town of Aberdeen Electronic Communications Policy. Motion unanimously carried.

8. Other Business

- a. Manager Zell informed the Board that Fire Chief, Tommy Brock, had received a check for \$3,165.00 from the N. C. Department of Treasurer. He stated the check is a refund for firemen's pension fund monies that were set aside for the Town's firemen's retirement. He stated the Fire Department had applied to get monies back from firemen that had left the system. He stated that Chief Brock is requesting that the refund be turned back over to the Fire Department instead of being placed in the General Fund.

A motion was then made by Commissioner Parker, seconded by Commissioner Shannon, to approve placing this refund of \$3,165.00 into the Fire Department departmental fund. Motion unanimously carried.

- b. Manager Zell reminded the Board of the Budget Work Session for Thursday, May 11, 2006 at 5:30 p.m.
- c. Manager Zell stated that Commissioner McMurray would be representing the Town at the upcoming Summit meeting.

9. Adjourn

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

Nancy M. Matthews, Town Clerk

Elizabeth B. Mofield, Mayor

