

Agenda
Special Called Meeting
Aberdeen Town Board

May 17, 2014
Saturday, 8:00 a.m.

EOC Center at Fire Department
Aberdeen, North Carolina

1. Closed Session pursuant to G.S. 143-318.11(a)(6) to discuss personnel matters.
2. Personnel Investigation Contract. **Consider approval at meeting**
3. Consideration of Contribution to MOAA.
4. Consideration of Contribution to Moore Alive project for Partners in Progress.
5. Resolution of Consistency for UDO Text Amendment #14-03 with Regard to Cluster Subdivisions. **Consider approval at meeting**
6. Conditional Zoning Request CZ #14-02 from R10-10 to B-3-C. **Public Hearing scheduled for 5/19/14**
7. Memorandum of Understanding between the Town of Aberdeen and The Brough Law Firm. **Information Only**
8. Resolution Authorizing the Advertisement for Bids for the Sale of Certain Property. **Consider approval at meeting**
9. Budget Retreat.
10. Adjournment.

SPECIAL ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES OR IMPAIRMENTS WILL BE MADE UPON REQUEST TO THE EXTENT THAT REASONABLE NOTICE IS GIVEN TO THE TOWN OF ABERDEEN.



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Aberdeen Board agenda. One (1) form per agenda item.

Submitted By: T.C. Morphis **Department:** Town Attorney

Contact Phone # 919 929-3905 **Date Submitted:** 04/29/2014

Agenda Item Title: Personnel Investigation Contract

Work Session - Board Action (date of meeting should be filled in on line) :
Information Only _____
Public Hearing _____
Approval at work session - immediate action 05/05/2014

Regular Board Meeting - Board Action (date of meeting should be filled in on line):
New Business _____ Information Only _____
Old Business _____ Consent Agenda _____
Public Hearing _____ Informal Discussion & Public Comment _____
Other Business _____

Summary of Information:
Please add this item to the consent agenda for the Work Session. Thanks.

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):

STATE OF NORTH CAROLINA
COUNTY OF MOORE

AGREEMENT

THIS AGREEMENT (the "Agreement") is made and entered into this the ___ day of ___, 2014 by and between the **TOWN OF ABERDEEN**, a North Carolina municipal corporation with a mailing address of P.O. Box 785, Aberdeen, NC 28315 (the "Town"), and **JACKSON LEWIS, P.C.**, with a mailing address of 1400 Crescent Green, Suite 215, Cary, NC 27518 (the "Investigator").

WITNESSTH

Based on the mutual promises contained herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Town and the Investigator agree as follows:

1. The Town has retained the Investigator to investigate a Town personnel matter reporting to the Town Attorney, TC Morphis. The document constituting the "complaint" is attached hereto as Exhibit A. Although this Agreement is a matter of public record, the parties understand and acknowledge that Exhibit A is a confidential personnel record pursuant to N.C. Gen. Stat. § 160A-168 and may not be disclosed except in accordance with the statute.

2. Ms. M. Robin Davis shall conduct the investigation, but the full resources of the Investigator shall be available to assist Ms. Davis as needed. The Investigator shall charge the Town \$265.00 per hour for work done by Ms. Davis. The fees and miscellaneous expenses (including but not limited to hotel stays, copies and mileage) charged for the investigation shall be capped at \$6,000 unless this Agreement is subsequently modified by agreement of all the Parties. Any expenditures beyond this amount must be approved by the Aberdeen Board of Commissioners.

3. Time is of the essence in this matter, and the Investigator shall make reasonable efforts to complete the investigation and provide her report and findings to the Aberdeen Board of Commissioners by no later than June 2, 2014.

JACKSON LEWIS, P.C.

TOWN OF ABERDEEN

By: _____
M. Robin Davis

By: _____
Robert A. Farrell, Mayor

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Beth Wentland, Aberdeen Finance Director

Bill Zell

From: Andy Wilkison <awilkison@vopnc.org>
Sent: Thursday, May 01, 2014 10:09 AM
To: Bill Zell
Cc: Andy Wilkison; Reagan Parsons
Subject: Re: MOAA / Moore Alive

We gave 10K to the website. Are doing the same amount to MOAA as last year. I think it was 2,500.00.

Aw

Sent from my iPad

Andrew Wilkison, Village Manager

On May 1, 2014, at 10:07 AM, "Bill Zell" <bzell@townofaberdeen.net> wrote:

Have you guys decided on whether you were going to support MOAA again this year? If so how much? Same thing with the Moore Alive website, if you chose to support it how much did you donate? Thanks,

bz

Bill Zell

From: Reagan Parsons <Parsons@southernpines.net>
Sent: Thursday, May 01, 2014 10:12 AM
To: Bill Zell; Andy Wilkison (awilkison@vopnc.org)
Subject: RE: MOAA / Moore Alive

We gave 2k to MOAA and are doing same in coming year. We have let them know that this will be the final year and they are expected to privately raise funds next year (should be no problem given the cause).

Town supported website in the amount of 5k...I doubt seriously any further funds would be given to that project.

From: Bill Zell [<mailto:bzell@townofaberdeen.net>]
Sent: Thursday, May 01, 2014 10:07 AM
To: Andy Wilkison (awilkison@vopnc.org); Reagan Parsons
Subject: MOAA / Moore Alive

Have you guys decided on whether you were going to support MOAA again this year? If so how much? Same thing with the Moore Alive website, if you chose to support it how much did you donate? Thanks,

bz



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Aberdeen Board agenda. One (1) form per agenda item.

Submitted By: P Graham **Department:** Planning

Contact Phone # 4517 **Date Submitted:** 4/30/14

Agenda Item Title: Resolution of Consistency for UDO Text Amendment #14-03 With Regard to Cluster Subdivisions

Date of Board Meeting to hear this item: 5/5/14

Board Action Requested:	
New Business <input type="checkbox"/>	Information Only <input type="checkbox"/>
Old Business <input type="checkbox"/>	For Action at Future Meeting <input type="checkbox"/> Date _____
Public Hearing <input type="checkbox"/>	Informal Discussion & Public Comment <input type="checkbox"/>
Other Business <input type="checkbox"/>	Consent Agenda <input type="checkbox"/>

Summary of Information:
Amendment was approved on 4/21/14. Statement of Consistency requires approval.

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):

A RESOLUTION REGARDING PLAN CONSISTENCY

WHEREAS, an amendment to the text of the Aberdeen Unified Development Ordinance has been proposed, which amendment is identified as follows: **UDO #14-03 With Regard to Cluster Subdivisions:**

NOW THEREFORE, the Board of Commissioners of the Town of Aberdeen resolves as follows:

Section 1. The Board concludes that the above described amendment is/is not inconsistent with the Town of Aberdeen 2030 Comprehensive Land Development Plan;

Section 2. The Board concludes that the above described amendment is/is not reasonable and in the public interest.

Section 3. The Board makes the following additional findings:

_____.

Section 3. This resolution becomes effective upon adoption.

The foregoing Resolution on motion of Commissioner _____, seconded by Commissioner _____, was adopted this 17th day of May, 2014.

Ayes: _____

Noes: _____

Absent or Excused: _____

Dated: _____

Robert A. Farrell, Mayor

Dated: _____

Regina M. Rosy, Town Clerk

Item to be rescheduled for Public Hearing – no changes to previous documents.

MEMORANDUM TO THE BOARD OF COMMISSIONERS

FROM: Pamela Graham
Planning Director
DATE: April 3, 2014
SUBJECT: UDO Conditional Zoning Request CZ# 14-02
APPLICANT: DGH Management, LLC
PROPERTY OWNER: FAC Holdings, LLC

REQUEST:

DGH Management, LLC, requests conditional zoning for construction of a six unit townhome project on property identified by PID #00049602 and #00048066 to be located on South Pine Street, between Lori Lane and Argyll Avenue. The request would rezone the property to B-3-C.

BACKGROUND:

Conditional zoning districts allow for the establishment of certain uses, which, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. It is not a conditional use permit, but is a legislatively determined zoning district to which ordinance standards apply as well as rules, regulations and conditions imposed as part of the approval. The Planning Board acts as a recommending body to the Board of Commissioners and must make a determination regarding the positive or negative impact on the immediate area and community as a whole.

The applicant intends to develop a six unit townhome complex similar to an existing set constructed by the applicant in 2008, located just south of the subject properties. Prior to the adoption of our UDO, site plan approvals were issued by the Board of Commissioners and both projects received site plan approval from the Board in 2008. However, with the UDO's adoption in 2010, all projects previously approved were required to meet any new regulations contained in the UDO, with the exception of the following:

1. Projects on which construction was begun at least 180 days before the effective date of the UDO, and
2. Projects that were at least ten (10) percent completed in terms of the total expected cost of the project on the effective date of the UDO.

The existing townhomes to the south of the subject property complied with the first provision above and therefore received zoning and building permits. The project was completed in 2008. Although a site plan was approved in 2008 for the proposed townhomes, zoning permits were not applied for until February of this year and building permits have not been issued. The property is located in the R10-10 Zoning District, which does not permit Multi-family Townhomes. A Conditional Zoning to B-3-C is recommended as there are adjacent properties zoned B-3, and the proposed use would be allowed within that zone.

CONDITIONAL ZONING DISTRICTS (C):

Conditional Zoning Districts are new districts under the Unified Development Ordinance. “Conditional zoning districts allow for the establishment of certain uses, which, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole.” It is not a conditional use permit, but is a legislatively determined zoning district in which the development and use of the property is subject to predetermined ordinance standards, rules, regulations and conditions imposed as part of the approval process. The Planning Board acts as a recommending body to the Board of Commissioners and must make a determination regarding the positive or negative impact on the immediate area and community as a whole. Conditional zoning can be used to add uses to districts.

APPLICABILITY OF MULTI-FAMILY REGULATIONS:

The Unified Development Ordinance was adopted subsequent to completion of a multi-family study prepared by the town. As such, the current regulations require a different design concept as compared to the code in place in 2008. The UDO addresses multi-family development in §152-163.14; a summary is provided below. The Conditional Zoning for this project may include some, all, or none of these requirements, or may include additional requirements not listed.

- Multi-family developments and duplexes are only allowed in the R6-10 and R10-10 zoning districts. *A new multifamily development would not be allowed on this property under the existing zoning. B-3 zoning allows for multi-family and is consistent with existing zoning on adjacent parcels to the east and across Argyll Avenue to the south. The adjacent parcel to the north is zoned R10-10, and properties to the west across Pine Street are zoned I-H (Heavy Industrial).*
- The maximum dwelling units per acre are no more than eight. *The applicant proposes a maximum of six (6) units on two parcels totaling .694 acres.*
- A semi-opaque screen a minimum of thirty feet in width is required along the perimeter of any multifamily development located adjacent to any residentially used or zoned property. Existing vegetation shall be used to meet all or part of the screening requirements wherever possible. Vegetation to be saved shall be identified on site plans, along with protection measures to be used during grading and construction. *Existing vegetation is present on site; the ability for this vegetation to be utilized to meet a portion of the requirement will be evaluated during site plan review by staff. New plant material will likely be required to supplement the existing and shall be noted on the site plan.*
- Parking lots shall be shaded. *Shade trees and supplemental landscaping will likely be necessary to satisfy this requirement.*
- Off-street parking shall be located between the principal building and the rear lot line, an alley or interior to a block. *The preliminary site plan indicates parking between the buildings and the front lot line, consistent with the existing townhomes to the south.*
- Pedestrian improvements must be made interior to the development connecting units and destinations such as adjoining streets, other units and mail boxes.

Sidewalks are not indicated on the preliminary plan. If approved according to the current design, the vehicular accommodation areas can provide pedestrian access to these elements. A sidewalk along Pine Street is recommended as required by the UDO, §152-217(C).

- The UDO requires that all developments be constructed and maintained so that the development does not unreasonably impede the natural flow of water from higher adjacent properties across the development, nor may it unreasonably collect and channel surface waters onto lower adjacent properties resulting in substantial damage to those lower adjacent properties. The development site plan is also required to address hydrology, low-impact development design strategies and erosion sediment control. *Based on data made available by Moore County, the property exhibits a cross slope of +/- 5% and is located less than 500 feet from Aberdeen Creek. The creek, buffered by wetlands on either side, is a contributor to the Lumber River basin system. Site disturbance should be kept to the minimum required for development of the project, and silt fence will be necessary to protect downslope properties from sedimentation during construction. The following stormwater management practices recommended by the UDO may be appropriate for long-term stormwater control:*
 - *Filter/Buffer Strip*
 - *Grass Swales*
- Solid waste container sites shall be screened with a six (6) foot high opaque vegetative, wood or masonry screen. *This requirement can be addressed during site plan review by staff.*
- Multi-family site plans shall include the designation of bike paths or lanes when such facilities are indicated on an approved Aberdeen Bicycle Plan. *The Bicycle Plan does not include recommendations for this portion of Pine Street.*
- Open space is required at the rate of 435 square feet per dwelling unit with a width not less than 40 feet or a radius of at least 26 feet. *Based on the proposed six (6) dwelling units, the open space requirement is 2,610 square feet. If constructed per the preliminary site plan, the site provides ample area along the rear property boundary to meet this requirement.*
- Private Open Space is required for each dwelling unit, such as a private porch, deck, balcony or patio. Based on the number of units in the proposed building, the private open space must be a minimum of 15% of each dwelling units floor area or ninety (90) square feet, whichever is greater. *If constructed as currently proposed, there appears to be adequate space to the rear of each unit to meet this requirement.*
- An outdoor lighting plan is required for site plan review for all multi-family developments exceeding four (4) dwelling units that meets specific requirements including that onsite lighting needs are accomplished without intrusion on adjoining properties. *A lighting plan may be reviewed during site plan review by staff.*
- General design requirements for multi-family development includes the following: *(Elevation drawings for the proposed building have not been submitted)*
 - Provide interesting and aesthetically attractive multi-family developments;
 - Avoid monotonous, “barracks” style buildings;

- Ensure that buildings have a multifaceted exterior form in which articulated facades are combined with window and door placements as well as other detailing;
- Create an interesting and attractive architectural design;
- Limit flat walls with minimal features;
- Buildings shall not exceed 150 feet in length;
- Facades greater than fifty (50) feet in length, measured horizontally, shall incorporate wall plane projections or recesses. Ground floor facades that face public streets shall have windows, entry areas, awnings, or other such features for at least sixty (60) percent of their horizontal length;
- Buildings shall be arranged so that they are aligned parallel to a sidewalk or around common open space, such as courtyards, greens, squares, or plazas;
- On owner-occupied units (townhouses and condominiums), side or rear entry garages are encouraged. When front entry garages are provided, the garage should be recessed at least twelve (12) feet behind the unit front wall line closest to the required front yard setback;
- Buildings on lots not exceeding 40,000 square feet shall be oriented to the street;
- Windows, porches, balconies, and entryways shall comprise at least thirty (30) percent of the length of the front elevation on each floor.
- Multi-family buildings on single or multiple lots with at least fifty (50) feet of frontage shall be arranged at intervals of not more than fifty (50) feet;
- The arrangements of buildings shall include at least two of the following:
 - Horizontal projections or offsets, such as towers or turrets, which extend at least five (5) feet from the front elevation and the height of the building up to the eaves. Projections or offsets shall be at least three (3) feet in depth and eight (8) feet in width;
 - Projecting entryways, such as stoops, balconies, porticoes, bay windows, or porches;
 - Changes in roof elevations, roof dormers, hips, or gables;
 - Open balconies that project at least six (6) feet from the front building plane.

ADJACENT ZONING AND LAND USE:

As shown in the attached Vicinity Zoning map, the property represents the last R10-10 zoning on Pine Street before transitioning to B-3 zoning, which includes both multi-family and single family uses. Adjacent parcels to the rear of the subject properties are likewise zoned B-3. Immediately to the west, across Pine Street, is Heavy Industrial zoned property which operates as Meridian Zero, a kiosk manufacturer. A scattering of Commercial/Light Industrial, Office/Institutional, and B-1 Central Business parcels exist along Pine Street to the north.

IMPACT ON WATER, SEWER, AND TRAFFIC:

The site is served by public water and sewer and capacity to serve the proposed units is available.

Pine Street is considered a “sub-collector” street, described by the UDO as: “a street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six (26) but not more than 100 dwelling units and is expected to or does handle between 200 and 800 trips per day. The six dwelling units proposed for this project are estimated to create fewer than sixty (60) additional vehicle trips per day, far below the threshold of 600 that would require a traffic impact analysis.

The applicant proposes to create a private road to access the units, with an ingress point on Pine Street and egress on Argyll Avenue (road will direct traffic to travel one-way only). Moore County must approve new road names for 911 compatibility.

CONSISTENCY WITH ADOPTED PLANS:

The 2009 amendment to the 2030 Plan directed a slow-down of multifamily development growth. This project incorporates six (6) new multi-family dwelling units, but is in keeping with adjacent zoning and existing adjacent uses. No recommendations for this area are included in the Aberdeen Pedestrian and Bicycle Plans, and no concerns are exhibited when overlaying Green Growth Toolbox (GGT) layers onto the property. The GGT does recognize the sensitive nature of the wetland area adjacent to Aberdeen Creek, as well as the creek itself.

ANALYSIS OF IMPACT ON IMMEDIATE AREA AND COMMUNITY AS A WHOLE:

The immediate impact of this operation should not have a negative impact on the community. Minimal traffic will be generated from the additional housing units, but traffic volumes are not expected to result in significant impacts to the transportation network.

RECOMMENDATIONS:

During their March 10, 2014 meeting, the Planning Board recommended approval of CZ #14-02 with amended conditions. Those amendments are indicated in red type in the conditions list, provided below.

Staff recommends that the Board schedule Conditional Zoning CZ #14-02 for a Second Public Hearing on May 19, 2014 so that input from the public can be accepted on the proposal. An initial first Public Hearing was held on 4/21/14 without full legal notice requirements being met. This Second Public Hearing will be required to meet state statutes.

RECOMMENDED CONDITIONS: (Planning Board recommended changes to the conditions are indicated in red)

1. The applicant must conduct a community meeting with mailed notice complying with the requirements of the Unified Development Ordinance prior to the Public Hearing by the Board of Commissioners.
2. A conditional use permit for the uses on the property is not required. A final site plan and all construction documents must be approved through the interdepartmental review process and shall be in general conformance with the proposed sketch plan attached to this proposal.
3. Any and all approvals from other regulatory agencies must be obtained prior to a notice to proceed by the Planning Department.
4. The applicant shall meet all setbacks and building heights as shown on the sketch plan.
5. The applicant shall meet all screening and landscape requirements as applicable to multi-family development and shall retain existing vegetation in the buffer areas wherever possible and supplement with planted landscaping as needed.
- ~~6. A five foot wide concrete sidewalk along Pine Street is required.~~
- 7.6. Stormwater management practices shall meet all requirements of the UDO and be reviewed during site plan review by staff. Solid waste container sites shall be screened as provided for in the UDO.
- ~~8.7. Open space will be required at no less than 2,610 square feet, and with a width not less than 40 feet or a radius of at least 26 feet.~~
- 9.8. Private open space for each unit shall be provided at a minimum of 15% of each dwelling unit's floor area or ninety (90) square feet, whichever is greater.
- ~~10.9. An outdoor lighting plan and general design lighting requirements must be consistent with the UDO's requirements for multi-family development and will be reviewed during site plan review by staff. Submittal for site plan review shall include elevation drawings demonstrating compliance with these UDO requirements.~~
11. Final approval of Conditional Zoning CZ #14-02 is contingent upon approval of an interdepartmental site plan review following the CZ process.
11. Staff is directed to enter Conditional Zoning District B-3-C for properties identified by PID# 00049602 and #00048066 on the official zoning map and add a label for CZ#14-02 upon final approval.
12. Density shall be limited to no more than eight (8) units per acre.
- ~~13. Uses other than multi-family or single family residential shall not be permitted.~~

Enclosures: Preliminary Sketch Plan
Vicinity Zoning Map

PINE STREET CONDITIONAL ZONING



Identified Wetlands 
Aberdeen Creek & Tributaries 

Property Proposed for Conditional Zoning 
Parcel Boundaries 

SITE PLAN LOTS 104, 105, 105 1/2 & 106 MCLEOD-ALLRED SUBDIVISION

SANDHILL TWP., MOORE COUNTY ABERDEEN, N.C.

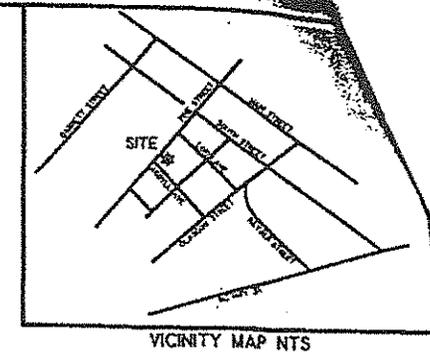
OWNER: QUALITY BUILT HOMES INC.

DEED REFERENCE: DEED BOOK 3312, PAGE 359

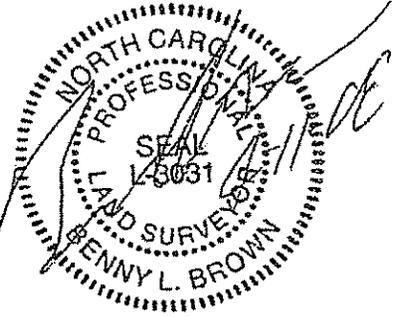
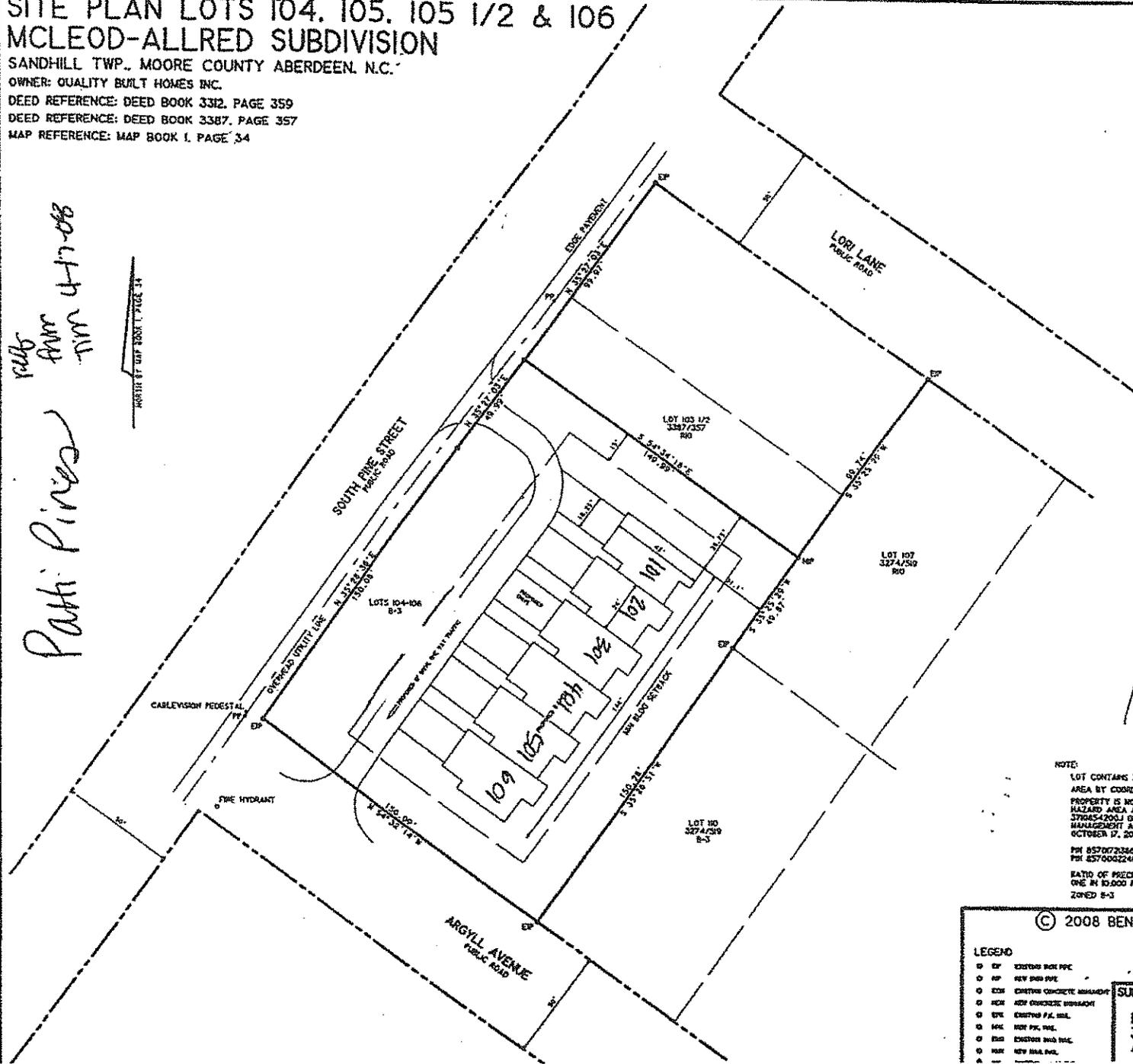
DEED REFERENCE: DEED BOOK 3387, PAGE 357

MAP REFERENCE: MAP BOOK 1, PAGE 34

Path Pines
sub from 4-17-08



NORTH BY THE CUR 100% 34

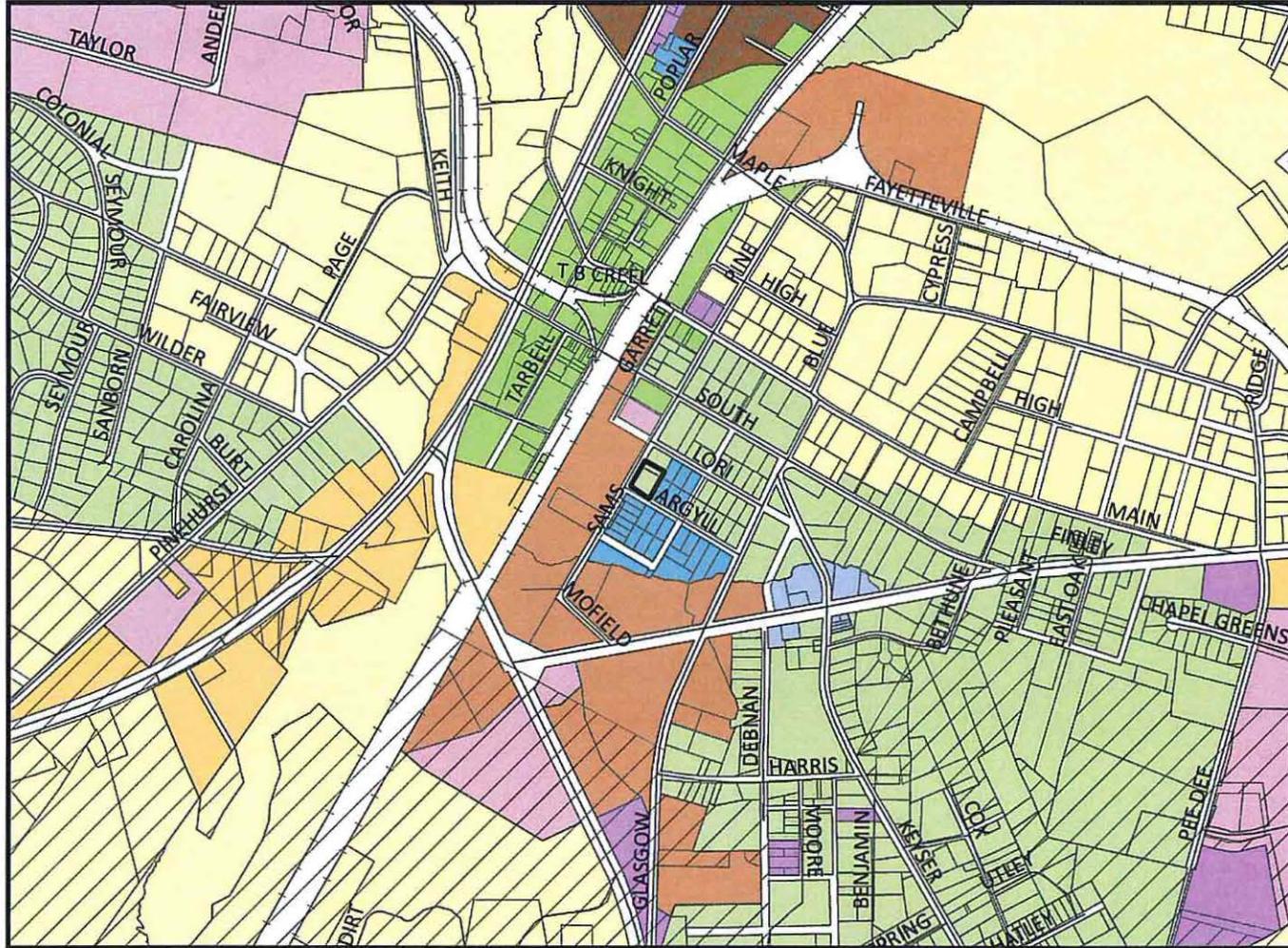


NOTE:
LOT CONTAINS 30023 SQ. FT.
AREA BY COORDINATE METHOD
PROPERTY IS NOT IN A SPECIAL FLOOD
HAZARD AREA ACCORDING TO MAP NUMBER
37045-2001 OF THE FEDERAL EMERGENCY
MANAGEMENT AGENCY, EFFECTIVE DATE:
OCTOBER 17, 2006
PI# 8570023867, LIX 49602
PI# 85700224020, LIX 48066
RATIO OF PRECISION
ONE IN 10,000 PROCEDURE FOLLOWED
ZONED E-3

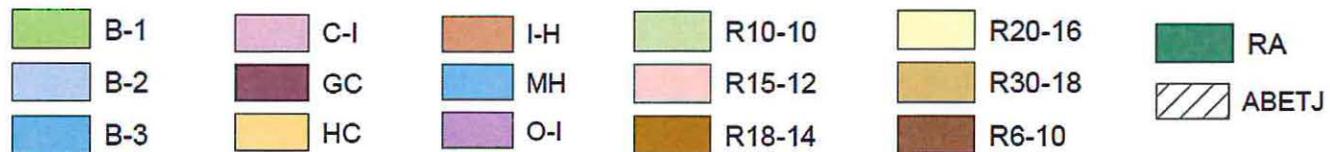
© 2008 BENNY L. BROWN. ALL RIGHTS RESERVED.

LEGEND ○ EX EXISTING BOX PIPE ○ NP NEW SAND PIPE ○ CCN EXISTING CONCRETE MANHOLE ○ CCN NEW CONCRETE MANHOLE ○ EPL EXISTING P.A. MAN. ○ NPL NEW P.A. MAN. ○ ESD EXISTING SAND DUCT ○ NPL NEW SAND DUCT	SURVEY FOR: R & M COMMERCIAL REAL ESTATE 335 FEILDS DRIVE ABERDEEN N.C. 28315	DATE: 4/10/08 FILE NO.: 30506 SCALE: 1" = 30'
	30' 15' 0' 30' 60' 	

DGH Management Property – Vicinity Zoning



Zoning Districts





Existing Townhomes – Street View

THE BROUGH LAW FIRM

1829 E. FRANKLIN STREET • SUITE 800-A
CHAPEL HILL, NORTH CAROLINA 27514
TEL (919) 929-3905 • FAX (919) 942-5742

MICHAEL B. BROUGH
WILLIAM C. MORGAN, JR.
G. NICHOLAS HERMAN
ROBERT E. HORNIK, JR.
T.C. MORPHIS, JR.

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April 3, 2014

Mr. William A. Zell
Town Manager
Town of Aberdeen
Post Office Box 785
Aberdeen, North Carolina 28315-0785

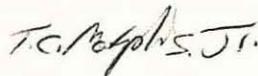
Re: 2014-2015 Brough Law Firm Rates

Dear Bill:

Please find enclosed our proposed rate schedule for FY 2014-2015, which has not been adjusted in five years. For the upcoming fiscal year, we propose to increase our hourly rate to \$180 per hour for Mike Brough and to \$175 per hour for the other attorneys in The Brough Law Firm. Please let me know if you or any members of the Town Board have any questions or wish to discuss this matter further.

Sincerely,

THE BROUGH LAW FIRM



T.C. Morphis, Jr.

TCMjr:las
Enclosure

NORTH CAROLINA

MOORE COUNTY

MEMORANDUM OF UNDERSTANDING

1. Parties. The parties to this memorandum of understanding (“memo”) are the Town of Aberdeen (the “Town”) and The Brough Law Firm (“Law Firm”).

2. Purpose. The purpose of this memo is to set forth the understanding between the parties concerning the nature of the relationship under which the Law Firm shall serve as the Town Attorney.

3. Scope of Service. In consideration of the compensation set forth below, Law Firm shall continue to perform for the Town all of the legal services required by the Town as set forth herein. Such services shall include, without limitation, consultation with the Board of Commissioners and town staff, attendance upon request at the Board of Commissioner's meetings, and the meetings of other boards, drafting and/or review of ordinances and other documents, and representation of the Town in litigation. Not included within the scope of covered services are services customarily performed by outside bond counsel.

4. Services Performed Principally by T.C. Morphis, Jr. The parties acknowledge and agree that the services covered under this memorandum shall generally be performed by T.C. Morphis, Jr. However, the full resources of the Law Firm shall be available to the Town and other members of the firm may assist the Town when requested to do so by the Town or when Mr. Morphis is unavailable. In addition, the Law Firm may subcontract with other firms or individuals to have certain services performed for the Town, such as title searches, but the Law Firm shall remain responsible to the Town for the quality and timeliness of these services. Payment for these subcontracted services shall be made by the Law Firm and shall be charged to the Town on the Law Firm's monthly invoice.

5. Compensation. The Town shall pay to Law Firm for legal services rendered during fiscal year 2014-2015 on a monthly basis according to the services performed during each month. Monthly invoices shall indicate the number of hours worked and the fees shall be calculated according to the following rates.

Michael B. Brough	\$180.00
William C. Morgan, Jr.	\$175.00
Nicholas Herman	\$175.00
Robert E. Hornik, Jr.	\$175.00
T.C. Morphis, Jr.	\$175.00

Ordinary office expenses shall continue to be charged in accordance with the attached statement.

6. Duration, Termination. This memorandum shall govern the relationship between the parties for the period July 1, 2014 through June 30, 2015. The relationship established under this memorandum may be terminated upon ten (10) days written notice by either party. Payment shall be made for services rendered through the date of termination.

This memorandum of understanding is executed by the parties this _____ day of _____, 2014.

TOWN OF ABERDEEN

THE BROUGH LAW FIRM

BY: _____
William A. Zell, Manager

BY: T.C. Morphis, Jr.
T.C. Morphis, Jr.

ATTEST:

Town Clerk

Provision for payment has been made by an appropriation duly made or bonds or notes duly authorized, pursuant to the Local Government Budget and Fiscal Control Act.

Finance Officer

COMPENSATION FOR SERVICES

Statements for services rendered by The Brough Law Firm will be prepared at the end of each calendar month for the work performed during the previous month.

Your monthly statement will consist of two parts: an itemized breakdown of professional services and a list of expenses and costs advanced.

The professional services portion of your statement will be based upon the following hourly rates for the attorneys who work on your case:

Michael B. Brough	\$180.00
William C. Morgan, Jr.	\$175.00
Nicholas Herman	\$175.00
Robert E. Hornik, Jr.	\$175.00
T.C. Morphis, Jr.	\$175.00

Your statement will indicate the services performed and the date, the attorney performing the services, the hourly rate, and the total. It will also include an itemized list of additional expenses and costs advanced. These include:

- Photocopy charges for non-routine copying done for the client outside the office.
- Private express mail carriers such as Federal Express.
- Paralegal services at a rate of \$75.00 per hour.
- Law clerk services at a rate of \$35.00 per hour.
- Mileage and travel expenses outside Chatham, Cumberland, Durham, Granville, Orange, Moore, Person, Richmond and Wake counties.
- Filing, service of process, and other fees associated with litigation.
- Fees for recording deeds and other instruments.

Statements will be mailed by the 10th of each month and are overdue if payment is not received by the end of that month. Interest at the rate of 1½% per month shall accumulate on balances not paid within thirty days after the date such balances become overdue.

Any retainer received from you will be deposited in our trust account and used to pay your monthly statements. To the extent our statements exceed the retainer amount, payment will be expected as indicated above. If payment in full is not received by the 15th of the month following the month in which a statement is issued, no additional services will be performed in your behalf and thereafter services will be performed only if and to the extent that additional funds are deposited in our trust account to ensure payment of our statements as they become due.

COMMISSIONERS
JOE DANNELLEY
ELEASE GOODWIN
PAT ANN McMURRAY
BUCK MIMS
JAMES W. THOMAS

Town of Aberdeen



AGENDA
ITEM 8

ROBERT A. FARRELL, Mayor
BILL ZELL, Town Manager
REGINA M. ROSY, Town Clerk

Resolution Authorizing the Advertisement for Bids for the Sale of Certain Property

WHEREAS, the Board of Commissioners of the Town of Aberdeen desires to dispose of certain surplus property of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that;

1. The following described property is hereby declared to be surplus to the needs of the Town:
1 – Residential Structure located at 837 Saunders Blvd., Aberdeen, NC
2. The Purchasing Agent is authorized and directed to receive on behalf of the Board of Commissioners bids for the purchase of the property described above.
3. The Purchasing Agent's office will advertise electronically through the use of the Town of Aberdeen website, townofaberdeen.net and the local cable channel, scheduled to run Monday, May 19, 2014 through Wednesday, May 28, 2014.
4. The Town Clerk shall cause a notice of this resolution to be published solely by electronic means in accordance with G.S. 160A-270.
5. The Board of Commissioners reserves the right to reject any or all bids.

Adopted this 17th day of May, 2014.

Robert A. Farrell, Mayor

Attest:

Regina M. Rosy, Town Clerk

(Seal)

**TOWN OF ABERDEEN
FY 2014-2015
MANAGER'S BUDGET MESSAGE**

Introduction

As required by North Carolina General Statute 159-11(b), presented herewith are the proposed operating budget estimates for the Town of Aberdeen for Fiscal Year 2014-2015, beginning July 1, 2014 and ending June 30, 2015. As stated, this is an estimate and not intended or required to state to the penny actual revenues and expenditures for the upcoming fiscal year. The budget is presented with an overall 3.45 percent increase in the total Town property valuation assessment. The General Fund budget will total \$6,768,120. The Water and Sewer budget will total \$2,664,093.

I am pleased to submit to the Aberdeen Town Board of Commissioners and Town of Aberdeen Citizens for review and consideration the Town of Aberdeen's FY 2014 – 2015 Budget. This document provides for the recurring service needs of our Town within a strict operating budget and finances the costs of providing these services with conservative but accurate and dependable revenue estimates. The objective of the proposed budget is to hold operating expenses to a minimum while providing essential municipal services to our citizens. The Town continues to provide an extensive base of services to its citizens while keeping the rate of taxation as low as possible. Below is a comparison of the current fiscal year budget with our proposed next fiscal year budget;

COMPARISON OF OLD AND NEW YEAR BUDGETS		
	<u>FY 2014 Adopted</u>	<u>FY 2015 Proposed</u>
General Fund	\$7,951,981	\$6,768,120
Water / Sewer Fund	\$2,705,304	\$2,664,093
Total	\$10,657,285	\$9,432,213

General Fund

Personnel

This document as presented includes the funding for a two percent (2%) across the board cost of living adjustment for all full and part-time employees. Funds are included to continue medical, dental and life insurance coverage for all full-time employees. Our medical coverage had an eight point ninety nine percent (8.99%) increase this year and no additional changes were made to our plan, and we're proud of the great job that we've been able to continue in keeping our medical expense cost down. The deductible will remain at \$3,000, but the employee is only responsible for the first \$1,500. We are using an HRA (health reimbursement arrangement) that allows the employee to pay the first \$1,500 of the \$3,000 deductible, and then the HRA will cover the balance of the deductible. The cost per employee will increase from \$335 per month to \$370. The medical insurance coverage will remain with FirstCarolinaCare, Inc. The life insurance and dental insurance cost per employee remained the same, and we will remain with Guardian for these coverages.

Below is the fig. 1 graph, which shows the per month medical insurance cost per employee for each of the past 12 fiscal years and also including the cost for the upcoming fiscal year. We have been very diligent in keeping these medical insurance costs down over the years while maintaining quality coverage for our employees.

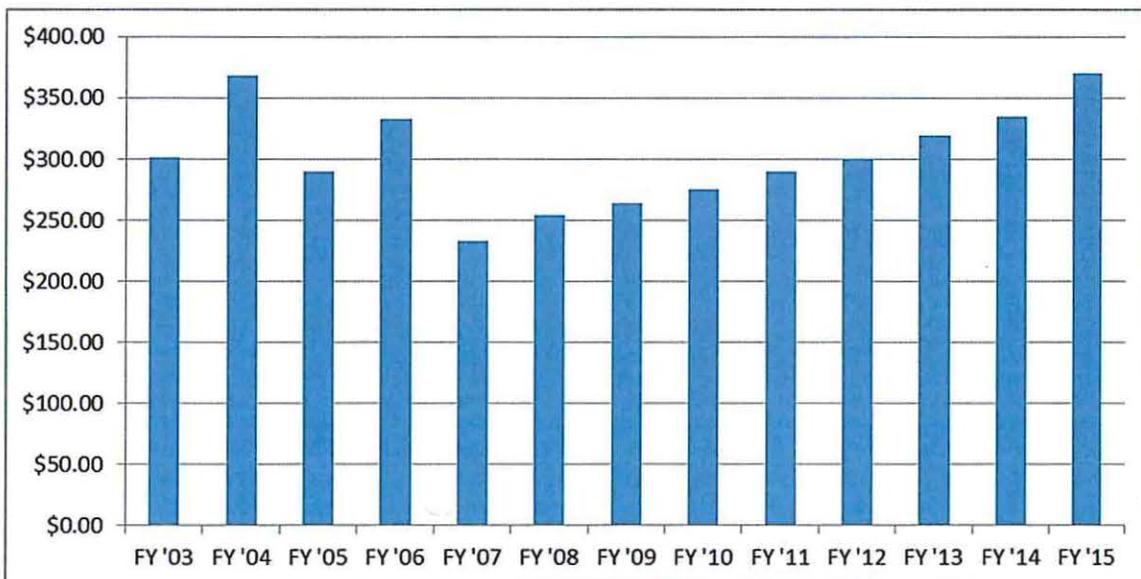


fig. 1

As our medical insurance costs continue to increase we may need to consider some alternatives. We have always prided ourselves on being able to cover the cost of the medical insurance for our full time employees, but we may be forced to consider sharing the cost whereby the employee will pay a set percentage, or we may consider setting a dollar limit that the Town will cover and the employee is responsible for the balance.

Funding for all full-time employees in a 401-K retirement plan is included at five (5%) percent of the employee's salary level along with an additional 7.07 percent for non-LEO personnel and 7.27 percent for all LEO's, which represents the Town's contribution to the North Carolina Local Government Employees Retirement System. This represents no increase for non-LEO personnel and a \$0.01 rate decrease for LEO personnel from last year. There is also funding for a longevity bonus based on years of employment with the Town. Also for the employees is funding for the annual Health and Safety Day, and other special events.

We will continue our emphasis on the specialized training of our employees in the various functions because it is vital to the Town's overall growth in efficiency. To this aim, the funding for sending our employees to seminars, conferences and schools at the School of Government and to other seminars and classes is included.

Facilities

Normal operational funding for our buildings is all that has been included in this year's budget.

This is the last year of our \$252,000 PARTF (Parks and Recreation Trust Fund) Grant for the development of the Ray's Mill Pond property. We will use this grant for the following: water quality issues, signage, new environmental education center and pier. Our goal is to turn the house into a learning center for school children and a fun park for all of our citizens.

With the recent purchase of the two properties adjacent to our Police and Fire Stations we need to consider contracting with an architect to begin designing our new Police Station. We might consider instead of razing the old Police Station, to have it remodeled and used as an additional Library.

Capital Outlay

A capital item is one piece of equipment that has an initial cost of \$2,000 or more, and has a useful life of more than a year. Each of these items are considered fixed assets in the annual financial audit. We have for the past five

years based our capital expenditures on the established five (5) year Capital Improvement Plan.

Always being mindful of the poor economic conditions that continue to persist globally the only general fund capital outlay funding included in Fiscal Year 2015 will be the following:

<u>Department</u>	<u>Capital Item</u>	<u>Payment Method</u>
Police Department	(4) Patrol Cruisers	Installment financed
Public Works	Dump Truck (12 tons)	Cash Purchase
Fire Department	Mini-QRV	Cash Purchase

Special Appropriations

Contributions this year will be to the same non-profit functions we have contributed to in the past. The following functions have received funding: the Aberdeen Lions' Club for their displaying of the American flags along US 1, the Walter Hines Page Library, the Malcolm Blue Farm and Historical Society, the Aberdeen Postmaster's House, the Moore County Chamber, and Partners in Progress the economic development arm of the Town.

Revenues

The Town's total property value assessment for the upcoming Fiscal Year 2014 – 2015, shows an increase of three point forty five percent (3.45%) over last year's valuation, which rose from \$725,000,000 to \$750,000,000.

We are recommending that the property tax rate remain at \$0.43 per \$100 of property value. One penny of tax will generate \$73,875 at a 98.5 percent collection rate.

We expect most of the other General Fund revenues for next fiscal year to come in at current year levels or slightly higher. We are estimating that our sales tax revenue will continue to increase slightly due to Aberdeen's continued population growth. The sales tax distribution is based on our percentage of the total Moore County population.

Our two largest revenue sources are the ad valorem tax and our sales tax receipts. Both sources represent 68.5% of all general fund revenues for the upcoming fiscal year.

We currently have seven (7) cellular telephone antenna contracts, which will generate approximately \$180,000.

Below is a graph (fig. 2), that shows a comparison of the last 12 years along with the 2015 Fiscal Year's total Town property valuation. It clearly shows the growth that we have experienced over the last several years. There were two County property revaluations included (2003 and 2007) in our totals. A point of interest in the 2002 – 2003 fiscal year the total valuation was \$305,000,000 and our current valuation is \$750,000,000, which is a 245.9 percent increase. The next scheduled County wide revaluation has been set for 2015, by the Moore County Board of Commissioners.

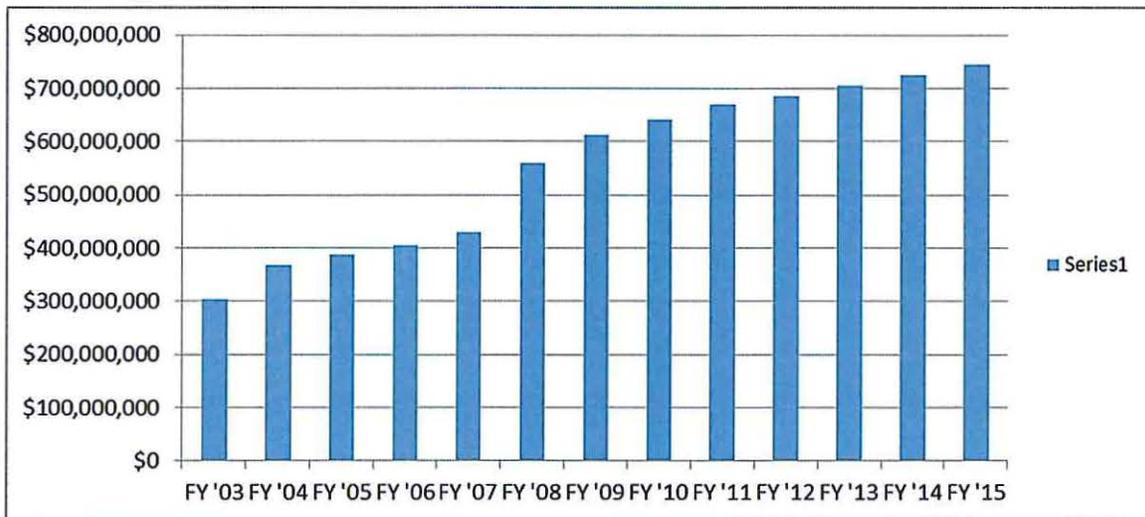


Fig. 2

Fiscal Year	Total Valuation	% Increase	Based On
2002 – 2003	\$305,000,000		
2003 – 2004	\$369,115,000	21.02 %	Revaluation
2004 – 2005	\$387,500,000	4.98 %	Normal Growth
2005 – 2006	\$406,100,000	4.80 %	Normal Growth
2006 – 2007	\$430,000,000	5.88 %	Normal Growth
2007 – 2008	\$560,924,000	30.45 %	Revaluation
2008 – 2009	\$612,400,000	9.18 %	Normal Growth
2009 – 2010	\$640,555,000	4.59 %	Normal Growth
2010 – 2011	\$670,000,000	4.59 %	N/G, Annexation
2011 – 2012	\$685,000,000	1.93 %	Econ. Down Turn
2012 – 2013	\$705,000,000	2.92 %	New Growth

2013 – 2014	\$725,000,000	2.84 %	New Growth
2014 – 2015	\$750,000,000	3.45%	New Growth

The Department Heads have done a tremendous job this fiscal year holding their spending down while still maintaining a high level of service for our citizens. I am confident they will continue conserving our dollars, but you can be sure that we will be keeping a close eye on all of our revenues over the next year and will be keeping up with what's happening in the economy. The Town's services to our citizens are our number one priority.

Water/Sewer Fund

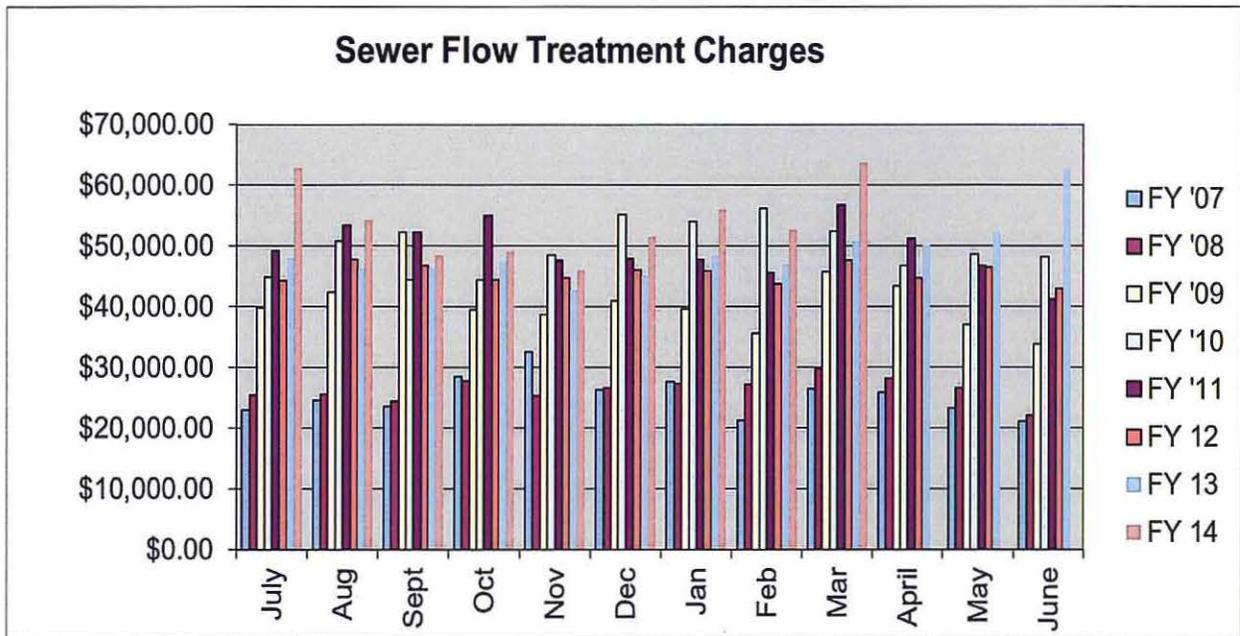
The Water and Sewer Systems have been and continue to be one of the Town's strongest assets and this year will be no different. We will continue selling bulk water to Moore County at a guaranteed 228,000 gallons per day at \$2.10 per 1,000 gallons. Funding is included for upgrades to our system by making the necessary repairs and replacements to various lines, and by locating and developing new well sites, which will allow us to meet our future water demands.

We are in the process of locating property for well(s) #23 and #24. We are currently working with several State of NC Agencies to bring this about.

We will be increasing our water and sewer rates for fiscal year 2015 by five percent (5%), and the reason for these increases has come about due to the recent repair project at the Addor Waste Water Treatment Plant, whereby Moore County had to secure a \$1.3 million emergency loan. Our costs have increased over the last several years from \$1.27 per 1,000 gallons to \$2.74 per 1,000 gallons this past fiscal year, and because of this repair cost the rate will increase to \$2.84 per 1,000 gallons for Fiscal Year 2015. The new rates can be found below.

The graph below (Fig. 3.) shows the additional cost to the Town from the escalating price of treating the sewer effluent. Even with these new rates the Town of Aberdeen Water & Sewer Utility is one of the least expensive in the State of North Carolina.

The chart is set up in a fiscal year format from July to June, and shows the expenditure for each month.



(Fig. 3)

Capital Outlay

Water and Sewer's Capital Outlay funding for Fiscal Year 2014 will include the following; the painting of Tank #4 located at the end of Devonshire Trail, funding for repair and replacement of old and damaged lines, and also for the acquisition of land and test wells for future well sites. We will be transitioning this year to automatic meter reading establishing our own AMI (Automated Metering Infrastructure) System. This will be a fixed based system where all meter data will be gathered at one site located in the billing and collections office. The project will take approximately a year to complete.

Water and Sewer Capital Projects

The following future capital projects have been identified by the Water & Sewer Staff and were submitted to make the Board of Commissioners aware of areas to build on:

<u>Projects</u>	<u>Total Cost</u>
Automated Meter Reading System	\$1,300,000
Slip lining in system one area for I & I	\$ 150,000
Total	\$1,450,000

The following are the recommended rates for In-Town and Out-of-Town Water and Sewer usage for FY 2012 – 2013.

Water and Sewer Rates Effective September 1, 2014

In-Town Water Rates (per billing cycle)

Base Charge (includes no usage)	\$10.00
1,000 – 5,000 gallons	2.87 per thousand
5,000 – 10,000 gallons	3.01 per thousand
10,001 – 15,000 gallons	3.16 per thousand
15,001 – 20,000 gallons	3.45 per thousand
20,001 – 25,000 gallons	3.84 per thousand
Over 25,000 gallons	4.21 per thousand

In-Town Sewer Rates (per billing cycle)

Base Charge (includes no usage)	\$10.00
1,000 – 5,000 gallons	3.20 per thousand
5,001 – 10,000 gallons	3.84 per thousand
10,001 – 15,000 gallons	4.46 per thousand
15,001 – 20,000 gallons	5.10 per thousand
20,001 – 25,000 gallons	5.75 per thousand
Over 25,000 gallons	6.38 per thousand

Out of Town Water Rates (per billing cycle)

Base Charge (includes no usage)	\$16.00
1,000 – 5,000 gallons	5.74 per thousand
5,001 – 10,000 gallons	6.30 per thousand
10,001 – 15,000 gallons	6.85 per thousand
15,001 – 20,000 gallons	7.40 per thousand
20,001 – 25,000 gallons	7.95 per thousand
Over 25,000 gallons	8.51 per thousand

Out of Town Sewer Rates (per billing cycle)

Base Charge (includes no usage)	\$16.00
1,000 – 5,000 gallons	6.41 per thousand
5,001 – 10,000 gallons	6.96 per thousand
10,001 – 15,000 gallons	7.51 per thousand
15,001 – 20,000 gallons	8.06 per thousand
20,001 – 25,000 gallons	8.61 per thousand
Over 25,000 gallons	9.17 per thousand

Residential Garbage - \$16.00 (per billing cycle)

Business Garbage - \$21.50 (per billing cycle)

Conclusion

I would like to express my appreciation to all my department heads and other key staff for their help in preparing this budget and the budget document. I also would like to thank the Mayor and Town Board for their input in the budget process and for their continuing support for both the staff and myself.

The recommendations contained in the FY 2014 – 2015 budget reflect the goals of the Board of Commissioners to continue improving the quality of life here in Aberdeen, while holding the expenditures at a conservative level.

As always we will be challenged this year due to the continued economic down turn, but I recommend this budget to you without reservation and believe it will adequately provide for the level of services our citizens expect while remaining fiscally conservative in order to maintain an appropriate financial standing by the NC Local Government Commission.

Respectfully submitted,

Bill Zell
Town Manager