

Minutes
Work Session
Aberdeen Town Board

July 28, 2011
Thursday, 5:30 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Thursday, July 28, 2011 at 5:30 p.m. for the Work Session. Members present were Mayor Elizabeth B. Mofield and Commissioners Pat Ann McMurray, Alan Parker, Jim Thomas, and Walter Wright. Mayor Pro tem Robbie Farrell was not in attendance for the meeting. Staff members in attendance were Planning Director Kathy Liles, Senior Planner Pam Graham, Planning Intern Jae Kim, Town Manager Bill Zell, Parks & Recreation Director Leigh Baggs, Public Works Director Rickie Monroe, and Town Clerk Regina Rosy. Attorney T.C. Morphis, Tim Marcham, Adam Ingraham, Jack Berggren, and Rusty Huff were also in attendance for the meeting.

Mayor Mofield called the meeting to order at 5:30 p.m.

1. Shepherd's Ridge – Consideration to Upsize Lift Station.

Planning Director Liles passed around a map of a preliminary plat of Shepherd's Ridge. Planning Director Liles stated Phase II of this development is pending installation of infrastructure, which Public Works Director Monroe has to approve. Planning Director Liles stated the issue that has come up is the appropriate size for the lift station. Planning Director Liles passed around a map from 2004 of the southwest interceptor route. Public Works Director Rickie Monroe stated Jackie Speight is getting ready to put in 31 houses on Shepherd's Trail, and his concern is a small pump station for 31 houses may not be enough to serve development in the future. Public Works Director Monroe stated he does not think it would be a wise decision to have this small pump station installed, he thinks it would be better to go ahead and build a larger pump station to serve a larger area in order to prepare for the future. Public Works Director Monroe stated a larger pump station could serve 300 homes on the other side of Shepherd's Trail too. Public Works Director Monroe stated the other option would be to have a gravity main extension. Mayor Mofield asked how many dollars this would cost. Public Works Director Monroe guessed it would cost about \$100,000 for the upgrade to the larger lift station to serve additional properties. Commissioner Wright asked how much it would cost to connect to the southwest interceptor – Public Works Director Monroe stated he would guess about \$400,000. Public Works Director Monroe stated if the Board chose to, they could let Mr. Speight move ahead with the small pump station, and then the Town could go the southwest interceptor route and once the Town

reaches Shepherd's Trail with the southwest interceptor, the lift station installed by Mr. Speight could be abandoned. Manager Zell suggested Public Works Director Monroe get with the engineers, and start the design phase, to give the Board an idea of where we would be with this design. Commissioner Wright suggested letting Mr. Speight go ahead and build the small lift station, and then the Town put the money towards doing the southwest interceptor. Mayor Mofield and Commissioner McMurray agreed they thought the southwest interceptor would be the wise decision. Mayor Mofield asked what the difference is between a small pump station and a larger pump station and is the cost difference \$30,000 and \$100,000. Public Works Director Monroe stated the lift station Mr. Speight is proposing would be a 4 feet wide wet well, 8 10 feet deep, and would pump through a 2 line that goes back through the Woodgreen Development. Public Works Director Monroe stated if the Town upgraded we would go to a 6 feet wide wet well, 16 18 feet deep, and there would be 2 pumps in it – this would cost the Town about \$100,000 to do the upgrade. Commissioner Parker stated he would like for Jackie Speight to build the smaller pump station and then the Town fast track the southwest interceptor. A motion was made by Commissioner Wright, seconded by Commissioner Parker, to instruct Public Works Director Monroe to proceed with the engineering design for the southwest interceptor project. Motion unanimously carried.

2. Status of Hinesley House on Crest Drive.

Planning Director Liles stated the Ingrahams have continued to work towards acquisition of the Hinesley house in order to complete the structure as their residence. Planning Director Liles stated Adam Ingraham is here tonight to give the Board an update. Mr. Ingraham stated he and his wife are supposed to close on the house this upcoming Monday if all goes as planned. Mr. Ingraham stated he and his wife have to be in this house by the beginning of November, so he plans to move very quickly on completing this house. Mr. Ingraham stated he plans to buy the permit on Monday after the closing and plans to get started. Commissioner Wright asked if Building Inspector Rodney Childress would have any issue with issuing a permit on Monday. Planning Director Liles stated no, Rodney has no problem with issuing a permit to begin work on the house. Mayor Mofield welcomed Adam and Brigit to Aberdeen.

3. An Ordinance for the Prevention of Demolition by Neglect of Historic Properties, Buildings and Structures and Amending the Aberdeen Minimum Housing Code.

Senior Planner Graham stated these items have been prepared in an effort to fulfill the requirements for the Town's acceptance into the Certified Local Government program.

Senior Planner Graham stated the Historic Preservation Commission is requesting the Board to enact a Demolition by Neglect Ordinance, and make proposed text amendments to the Minimum Housing Code. Senior Planner Graham stated this item will go to the Planning Board, then will be held for public hearing on September 12, 2011. Agenda Item scheduled for Public Hearing and New Business on 9/12/11.

4. Consideration to Trademark and Copyright the Aberdeen Brand.

Attorney Morphis stated he came to the Board about a month and a half ago concerning if the recently approved Town brand should be trademarked and copyrighted. Attorney Morphis stated he has spoken with Laura Kelley again and she provided a list of not to exceed fees for various services she could perform for the Town. The fees include: \$1500 to search the federal trademark database, \$800 plus an application fee of \$325 per class to prepare and file the application for federal trademark registration, \$500 to prepare and file an application for state trademark registration, and \$500 to prepare and file an application for federal copyright registration. Attorney Morphis stated he could take care of the state trademark registration and federal copyright registration himself and it would be more cost effective, but he would prefer Laura Kelley do the federal trademark database.

Attorney Morphis stated if someone else started to use the symbol, there might be a real question on if they had the right to do what they're doing. Attorney Morphis stated his guess would be the Town would not do another branding project for many years, and this will give the Town an added protection for the brand.

Commissioner McMurray stated Aberdeen is historic and very important in the State of North Carolina. Attorney Morphis stated a federal trademark database search is not required and that could possibly save \$1500. Mayor Mofield and Commissioner Wright did not think the search would be necessary, since the brand is very unique. Planning Director Liles suggested the federal trademark database search might could be conducted by Planning Intern Jae Kim. Attorney Morphis stated he would work with Jae Kim on the search.

5. Addition of Bicycle Plan to Pedestrian Plan.

Planning Director Liles stated Alta Design which was formerly Greenways, Inc. has completed the draft pedestrian plan for the Town. The pedestrian plan was funded through Federal Highway Administration dollars passed down to NC DOT and was solely for the preparation of the pedestrian plan. Alta Design has contacted staff and indicated they would be willing to prepare a companion bicycle plan for a significantly reduced price. Planning Director Liles stated Alta Design has indicated they could

complete a bicycle plan for a cost between \$7,500 and \$10,000. Planning Director Liles stated what makes this interesting, is that normally NC DOT funds are used to fund plans such as this, but the Town is at least two years out from submitting another application. The Town would have to hope that funds would be available, and the Town would still have to pay the match. Commissioner Wright asked if the bicycle plan was approved, how much would it cost to implement the plan. Planning Director Liles stated staff is always looking for additional funding to extend trails. Parks & Recreation Director Baggs stated she has over 100 volunteers lined up to work on building the trail. Mayor Mofield stated it appears the options are to wait and see if funding is available in 24 months and possibly do the bicycle plan for \$6,000, or move forward with this proposed plan now and let staff enter into an agreement with Alta Design for the bicycle plan in an amount not to exceed \$8,000. Commissioner Wright asked if this could be tied in with sidewalk construction. Planning Director Liles stated the pedestrian plan has sidewalk construction included.

Commissioner Wright asked Manager Zell to look into the overgrowth on the west side of US Highway 1. Manager Zell stated he calls just about every week about this issue.

A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to direct staff to enter into negotiations with Alta Design to develop a scope of work and contract in an amount not to exceed \$8,000, designate the funding source as Fund Balance, and authorize the Town Manager to execute an amendment to the existing contract with Alta Design to include a bicycle plan. Motion unanimously carried.

6. Consideration of Rezoning of 13 Parcels from R20 16 to R10 10 in the Midway Community.

Planning Director Liles stated a public hearing was held for the UDO, and several Midway Community representatives were concerned that the northeastern corner of the community was not included in the R10 10 zoning. Planning Director Liles stated there was some confusion among the Midway residents when the southern end was rezoned, and properties on the northern end were not included.

Planning Director Liles stated the request is to call for a public hearing on this item for August 8, 2011. Agenda Item scheduled for Public Hearing on August 8, 2011 and New Business on September 12, 2011.

7. Haunted Mansion Attraction in the C I District.

Planning Director Liles stated Jack Berggren is here this evening to discuss the concept for the haunted mansion attraction. Mr. Berggren stated he wants to take 12,000 square feet in the old Doxey Building and transform it into a haunted mansion. Mr. Berggren stated he has the desire, space, and the financial means to make this happen. Planning Director Liles stated where this became a challenge, was when referring to the Table of Uses, which does not provide for amusement attractions in the C I Industrial District. Planning Director Liles stated what she and Attorney Morphis believe to be best long term answer is to amend the Code to include a use that would be more directed towards this type of amusement. Planning Director Liles stated that the process would take a period of time and would not allow for this haunted mansion to take place during the upcoming Halloween season. Planning Director Liles asked the Board if it was a reasonable consideration to treat this activity as other similar uses under Community Centers. Planning Director Liles stated the haunted mansion would last approximately 5 weeks prior to Halloween. Commissioner McMurray suggested putting it under seasonal entertainment. Planning Director Liles asked if the Board would prefer to put it under seasonal. The Board members seemed to be in agreement to put it under seasonal. Attorney Morphis stated it could be more specific, such as haunted mansions and/or forests. Mayor Mofield suggested the terminology being more defined such as family oriented entertainment. Attorney Morphis stated the category could be described as family entertainment, not adult, to spell out what activities would not be included. Planning Director Liles stated a separate category and number will be created for future uses. Planning Director Liles asked if the Board will allow Mr. Berggren's haunted mansion attraction to fall under Section 6.150 – other similar issues. A motion was made by Commissioner Wright, seconded by Commissioner Parker, to approve haunted house attractions in Section 6.150 – Community Centers (other similar uses). Motion unanimously carried.

8. Consideration of amendments to the signage regulations.

a. UDO Text Amendment for Signage.

Senior Planner Graham stated the language regarding billboards clarifies that all billboards within the Town's zoning jurisdiction are prohibited and states that all lawfully existing billboards in place as of March 12, 1990 are permitted to continue as nonconforming uses. Existing billboards must still meet the 50% measure of deterioration. Attorney Morphis stated the intention with the billboard ordinance that was passed, was to prohibit new billboards from being put up. Attorney Morphis stated he thinks it only makes sense to clear this issue up moving forward and that is why this proposed text amendment is being

proposed. Mayor Mofield questioned what the value is based off of and Attorney Morphis stated normally it would be based on tax value. Planning Director Liles stated text will be in the packets for the September 12th Board Meeting.

b. Discussion of off premises Commercial Signage.

Planning Director Liles distributed some information to the Board members regarding off premises Commercial signage. Planning Director Liles stated there are several developments in Aberdeen that are not on major highways and need signage. Planning Director Liles stated there are no provisions for construction signage on NC DOT restricted corridors or for off premise signage in the Town Code. Senior Planner Graham stated she has come across several different issues where signage is a major issue for businesses not on major highways. Mayor Mofield stated an industrial facility off of Hwy. 5 has trouble with people finding their facility.

Planning Director Liles stated the shopping centers already get a master sign to put individual store names on the sign. Planning Director Liles stated she is looking into a possibility of the Town putting up a local governmental sign rather than Rusty Huff putting up his own sign, and see if that might work. Mr. Huff stated he had put up a banner pointing towards Forest Hills Pointe – and it was put off of the right of way on personal property, where a property owner had given him permission to place the banner. Mr. Huff stated he had worked with Planning Director Liles and he put up what she said he could put up, and he did not know there would be an issue with NC DOT. Planning Director Liles stated NC DOT restricts signage from more than the right of way on controlled corridors. Planning Director Liles stated she thought it would be possible to do a local governmental sign pointing towards Forest Hills Pointe, but the sign probably could not include information on home pricing.

Mayor Mofield stated this issue speaks to what is wrong – why a billboard can be replaced, but a temporary sign can not be put up. Mayor Mofield stated she thought this issue should be challenged. Attorney Morphis stated we are already challenging NC DOT on the billboard issue. Attorney Morphis stated he will research directional signs and how that may fit in.

9. UDO typographical corrections.

Planning Director Liles stated whenever there are typographical corrections to the UDO, staff has the authority to make those changes as long as the Board is made

aware. Attorney Morphis stated these corrections are things that do not change the substance of the ordinance. Planning Director Liles stated the Table of Uses, Version 14 needs to be corrected and Appendix H needs to be corrected.

10. Planning Board Appointments.

Planning Director Liles stated this is the third time this issue has been to the Board.

Mayor Mofield stated if she remembers correctly, 2 in town permanent, 1 in town alternate, and 1 out of town alternate members are needed. The previous suggestion was to appoint Sarah Ahmad and Janet Peele, and Commissioner McMurray had suggested Mary Anne Morrone. Commissioner Parker stated he supports appointing Sarah Ahmad to a permanent position. Commissioner McMurray suggested the daughter of Broadus Combs for the alternate position – Terry. Planning Director Liles stated she has not had an opportunity to contact Terry yet, so she would recommend the Board defer a decision on this position until after Terry has been contacted.

Commissioner McMurray nominated Sarah Ahmad to move from in town alternate to permanent in town Planning Board member. The nomination for Sarah Ahmad to permanent in town Planning Board member was approved unanimously by all Board members in attendance.

Commissioner McMurray nominated Mary Anne Morrone for permanent in town Planning Board member. The nomination for Mary Ann Morrone for in town Planning Board member was approved unanimously by all Board members in attendance.

Mayor Mofield nominated Janet Peele for an in town alternate Planning Board position. Commissioner McMurray nominated Graylin King for in town alternate position. Those in favor of Janet Peele were Commissioner Thomas and Commissioner Wright. Those in favor of Graylin King were Commissioner Parker and Commissioner McMurray. Mayor Mofield broke the tie by voting for Janet Peele. Janet Peele was appointed in town alternate on the Planning Board.

11. 5 year Fair Housing Resolution and Plan.

Manager Zell stated this is just a resolution needing approval for the CDBG process. Agenda Item scheduled for Consent Agenda on 8/8/11.

12. Municipal Agreement for Bridge Inspections for 2012.

Public Works Director Monroe stated this is an agreement that is done with the State of NC every two years. Public Works Director Monroe stated the State of NC handles all of the engineering and inspections for the bridges through this agreement. Public Works Director Monroe stated the cost to the Town would be 20% of the total cost, and that 20% will be paid through Powell Bill funds. Commissioner McMurray asked where the bridges were located. Public Works Director Monroe stated two of the bridges are at Aberdeen Lake Park, one bridge is on Sycamore Street, and the other one is at The Legacy. A motion was made by Commissioner Parker, seconded by Commissioner McMurray, to approve the Municipal Agreement with the NC Department of Transportation for the Inspection of Bridges on the Municipal Street System. Motion unanimously carried.

13. Policy Regarding Utility Billing Collection.

Manager Zell stated staff requests to add Item #3 to the utility billing collection policy – garbage fees will be charged on all active residential and business accounts whether premises are occupied or not.

Commissioner Parker asked for those businesses who have to provide their own dumpster services because they produce an amount of trash that exceeds the limit are they charged for garbage collection fees? Manager Zell stated no, they are not charged. Commissioner Parker suggested clarification be provided in this policy for that exception. Mayor Mofield suggested exception includes businesses that provide for their own garbage pickup – be added to the utility billing collection policy. Agenda Item scheduled for Consent Agenda for 8/8/11.

14. Resolution for Approving Water Shortage Response Plan.

Manager Zell stated this is basically the same resolution that was done in 2009, but it has been updated to include more specific information, and is more user friendly. Manager Zell stated the penalties are the same as the old policy. Mayor Mofield stated she has no problem conserving water, but she does not think it is good to sell water to other municipalities, and then restrict water usage for Aberdeen residents. Mayor Mofield stated if that is the purpose of this policy, then she does not think that is quite fair. Manager Zell stated the reason he looked at this policy is to make sure there are clear guidelines on how to move from Stage 1, to Stage 2, and so on. Manager Zell stated if water usage has to be reduced, then it will be reduced to other municipalities too if there is a reduction. Mayor Mofield stated she thinks water conservation is a great thing, but she just does not want to restrict Aberdeen residents, because of selling water to other municipalities. Manager Zell stated because Aberdeen uses ground

water, Aberdeen is not experiencing the same problem as surrounding municipalities. Manager Zell stated this revised policy will work better for a water shortage response plan, if needed in the future. Mayor Mofield stated she thought the fines were very high and asked if the fines had to be that high. Manager Zell stated the Board can lower the fines at their own discretion. Commissioner Wright stated he would recommend \$100 for the 2nd stage violation for residential and nonresidential and \$250 for 3rd violation emergencies, and leave Stage 4 and Stage 5 penalties as is. Commissioner Wright asked how much water the Town of Southern Pines is buying from the Town. Public Works Director Monroe stated the Town of Southern Pines is not buying any water right now from Aberdeen. Commissioner Wright asked for a corrected plan prior to the next Board Meeting. Agenda Item scheduled for Consent Agenda on 8/8/11.

15. Other Business.

a. Establishment of Scholarship Account for Participants in Parks & Recreation Programs.

Parks & Recreation Director Baggs stated during the recent months it has come to the attention of Parks & Recreation Department staff members that families are having difficulties in paying for recreation programs. Parks & Recreation Director Baggs stated one of the goals of the department is to establish a scholarship account from private donations and fundraisers to support this fund.

Parks & Recreation Director Baggs stated a senior citizen in the chair exercise class has volunteered to do a jewelry party in the Aberdeen Recreation Station on Monday, August 22nd from 5:00 p.m. – 7:30 p.m. and will donate 30% of the gross amount of sales to aid in the establishment of this account. Parks & Recreation Director Baggs stated criteria would need to be predetermined and scholarships would be given on an as needed basis. Commissioner Wright asked what will happen when money runs out. Parks & Recreation Director Baggs stated hopefully that will not happen, since other civic groups have expressed interest in donating money to this program as well.

Commissioner McMurray stated she was concerned about having fundraisers in the Aberdeen Recreation Station. Commissioner McMurray asked if this fundraiser could be held at another location and then the money still be donated to Leigh's cause. Mayor Mofield suggested having the jewelry party at another location so that it does not interfere with the Recreation Station rules.

- b. Commissioner McMurray passed out a flyer about thermal energy scans. Commissioner McMurray suggested using her house as an example, and then possibly work out something for Aberdeen citizens. Commissioner McMurray stated Sandhills Community College is looking at training technicians to work in this field, because it is a great new subject.
 - c. Planning Director Liles stated the Loblolly application has been uploaded to the Town's website if the Board would like to review it.
16. Closed Session pursuant to N.C.G.S. 143 318.11(a) (3) to consult with the Town attorney to preserve the attorney client privilege.

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to go into Closed Session pursuant to N.C.G.S. 143 318.11(a) (3) to consult with the Town attorney to preserve the attorney client privilege. Motion unanimously carried.

The Board returned from Closed Session.

17. Adjournment.

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to adjourn the Work Session. Motion unanimously carried.

Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on July 28, 2011

Robert A. Farrell, Mayor Pro tem

Minutes were approved
on August 8, 2011