

Minutes
Work Session
Aberdeen Town Board

April 29, 2010
Thursday, 5:30 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Thursday, April 29, 2010 at 5:30 p.m. for the Work Session. Members present were Mayor Elizabeth B. Mofield, Mayor Pro-tem Farrell, and Commissioners Pat Ann McMurray, Alan Parker, and Walter Wright. Commissioner Jim Thomas was not in attendance for the meeting. Staff members in attendance were Planner Patti Jilson, Chief Building Inspector Rodney Childress, Code Enforcement Officer Charles Davis, Town Manager Bill Zell, Town Attorney T.C. Morphis, and Town Clerk Regina Rosy. Others in attendance were Reporter for the Pilot Hannah Sharpe, Glenn and Maria Nocik of Nocik Designs and American Classic Signs in Concord, Ray Manieri and Gary Niland with All American Associates, Elease Goodwin, and Tony Fairley.

Mayor Mofield called the Work Session to order.

1. Branding the Town of Aberdeen.

Glen Nocik, of Nocik Designs and American Classic Signs in Concord, stated he and Maria spent the last several weeks researching the Town of Aberdeen. Mr. Nocik stated the purpose of branding is to project a feeling, sense, and image of Aberdeen. Mrs. Nocik stated through research and feedback from the Town Board, there are three main characteristics about Aberdeen that brought them to the visual they are going to present tonight. Mrs. Nocik took everyone in the room on a journey with their eyes closed about the history of Aberdeen. Mr. Nocik and Mrs. Nocik presented three ideas for a brand for Aberdeen. The first image consisted of a round design with a railroad crossing signal on a plaid background. The second image was a compass with an "A" in the middle. The third image displayed strength, history and really spoke for itself in the shape of a crest depicting a train under a plaid banner reading "Aberdeen". The taglines presented consisted of "Next Stop, Aberdeen", "Small town, Urban retail", "Destination Aberdeen", "Let's Go", and "Shop the Crossroads". Mayor Mofield stated she prefers a brand with a Scottish heritage emblem. Commissioner McMurray stated she likes the tagline "Shop the Crossroads". Elease Goodwin stated she liked the crossties image. Commissioner McMurray stated she liked the idea of using the banner from another image and using it across the cross ties image. Mr. Nocik suggested coming up with a couple of good solid ideas and then present to the public for input.

Mr. Nocik stated he and Mrs. Nocik would work on the changes the Board suggested. Mayor Mofield thanked Mr. and Mrs. Nocik for their work on the brand for the Town.

2. Application for Conditional Use Permit CU #10-01 submitted by Tony Fairley to establish a used car lot at 517 S. Sandhills Blvd. The property is located in the HC Highway Commercial District and is owned by Joe Ussery.

Planner Jilson stated this item was held for public hearing at the previous Board meeting on April 12, 2010. Planner Jilson stated the first concern was servicing of vehicles on site – Planner Jilson stated no vehicles would be serviced on site. Planner Jilson stated Mr. Fairley submitted a sign application to go above his front door which meets current regulations. Planner Jilson stated for sale signs will only be allowed to be hung inside the vehicles. Commissioner Parker asked if Mr. Fairley currently has a vehicle dealer’s license. Mr. Fairley stated he can not receive his vehicle dealer’s license until after this application is approved. Mr. Fairley stated Mr. Little oversees the licensing for used car lots at the NCDMV office, and Mr. Little said there would be no problem getting Mr. Fairley’s license if this conditional use permit is approved. Code Enforcement Officer Davis stated a great amount of the clutter on this property has been reduced. Planner Jilson stated retail businesses are allowed in Highway Commercial Zoning. Planner Jilson stated Mr. Ussery owns all of the property for the businesses being discussed. Attorney Morphis stated the Town could do one conditional use permit on the whole piece of property, but Mr. Ussery would have to come in and apply for it. Commissioner Parker felt the property was too messy right now, and nothing else needs to be added to the property.

Commissioner Wright stated he visited the property and thought it looks neat. Mr. Fairley stated he wants the property to be neat and presentable too, and he assured the Board he will have his area presentable. Mr. Fairley stated Mr. Ussery is always good about responding to concerns from renters. Agenda Item as New Business.

3. Hinesley Property – Minimum Housing Ordinance.

Planner Jilson stated this issue has been before the Board previously. She stated the problem is that enough progress has not been made on this property and the issue has been ongoing since 1998. Building Inspector Childress stated on October 19, 2009 he inspected the Hinesley Property located at 1402 Crest Drive and found it to be unfit to live in. Building Inspector Childress stated there is a problem with this property because it is still not completely dried in and has been sitting this way for several years.

Mr. Hinesley stated his son built too big of a house for the area and for his billfold. Mr. Hinesley stated he put a roof on the house and removed some debris from the site. Mr. Hinesley stated he put in the doors and windows. Mr. Hinesley stated he was given 90 days to clean up his property. He stated he failed the framing inspection because of some blocks, but the plumbing is all roughed in. Mr. Hinesley stated the plumbing failed during inspection because the air leaked out.

Attorney Morphis stated a hearing was held on November 4, 2009, Mr. Hinesley was given 90 days to finish the house, and now the Board has options on how to proceed. Attorney Morphis stated the Board could just leave the property and not worry about it, or the Board could instruct him to go to court and get an order against Mr. Hinesley. Attorney Morphis stated another option is an ordinance to be recorded at the Register of Deeds and the building inspector would be instructed to close up the house. Attorney Morphis stated a lien could be placed on the property for the cost of closing up the house. Attorney Morphis stated another option would be the Board could issue civil penalties to Mr. Hinesley because he is in violation of minimum housing code. Attorney Morphis stated it is the Board's decision to do what they wish. Mr. Childress stated if the siding is not completed then the wood will rot and will not be any good. Mr. Hinesley stated he could put all of the siding on and have the house dried in within 2 months. Commissioner Wright asked if there was any problem with mold in the house. Mr. Childress stated the mold had been removed. Mr. Childress stated once the mold is removed and moisture ceases, then the mold will be gone. Attorney Morphis stated if the house is declared to be less than 50% of the cost to be completed, then the house can not be demolished. Attorney Morphis stated the house could be padlocked if the work is not completed within 6 months.

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to allow Mr. Hinesley 60 days (May 1, 2010 – July 1, 2010) to complete the exterior of the house, and an additional 5 months (July 1, 2010 to December 1, 2010) to complete the interior of the house with the Town staff being given direction to close the house if a deadline is missed. Motion unanimously carried.

4. Reconfiguration of properties for Bethune St. CDBG Project.

Mr. Manieri stated there is a process the Town needs to go through to do this reconfiguration. Mr. Manieri stated a Public Hearing has been scheduled for May 10th. Once certified minutes are received from the May 10th meeting, then he can move forward with the reconfiguration of the project.

Mr. Manieri stated the new concept for the budget will be for him to come to the budget meeting on June 21st with hard numbers and concept at that time. Offers have been put out to Mr. White and Mr. Locklear. Mr. Manieri stated the Handsford contract was just received from Attorney Morphis.

Mr. Manieri stated for the property owned by Mr. Seagraves, the son could take the money he receives and use it as down payment for a home. Mr. Manieri stated the tenant in 103, #6 on the map, would probably move out and the case worker is finding him subsidized housing.

Mr. Manieri stated he is requesting the Town to do three demolitions at the Town's expense. Mr. Manieri stated the bids are out on the three houses and will be back on May 14th and will be opened on May 21st.

Mr. Manieri stated the street and sewer work will be bid out in June. Mr. Manieri stated Hobbs, Upchurch & Associates believes the estimate for the street and sewer work will be about \$100,000 less than what was originally estimated.

Mr. Manieri stated the final project concept and budget will be presented in June to the Board.

Mr. Manieri stated with the extra \$100,000 to play with, the rest of the street can be completed. Mr. Manieri stated he could now use the CDBG funds to buy the Handsford lot, Locklear lot, White lot, and Kelly lot. Habitat for Humanity could build 8 new houses, and then 3 houses would be rehabbed.

Mr. Manieri stated with the Kelly, Clifton Seagraves, and Helen Ford properties he feels a good resolution has been reached. Attorney Morphis stated the goal is to acquire a strip of land from an adjacent church property so that there will be enough land to have the required 10,000 square feet lots and the road.

Attorney Morphis stated he is hoping they can get a lot line agreement from all property owners in question to recombine the lots. He stated if the Town is not able to get agreement from all property owners, then there would be a problem moving forward. Commissioner Parker confirmed no one is living in the Kelly house. Manager Zell stated the Kelly property has already been condemned and is not livable.

5. Resolution Regarding the Purchase and Potential use of Eminent Domain in the Acquisition of the Kelly Property at 100 Bethune Street for Implementation of the Bethune Street Redevelopment Project.

Mr. Manieri is suggesting the Town Board approve this resolution so this property can be sold and Habitat could begin work. Attorney Morphis suggested buying the Kelly property first, and then try to get the strip of land on the church property.

Mayor Mofield wished Mr. Manieri luck on this project. Manager Zell commended Mr. Manieri on his patience with this project.

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to approve the Resolution Regarding the Purchase and Potential use of Eminent Domain in the Acquisition of the Kelly Property at 100 Bethune Street for Implementation of the Bethune Street Redevelopment Project. Motion unanimously carried.

6. Amendment to Bethune St. CDBG Project Program Outcomes and Budget. Agenda Item as Public Hearing on May 10, 2010

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

A motion was made by Commissioner Parker, seconded by Commissioner McMurray, to approve the Resolution Authorizing the Advertisement for Bids for the Sale of Certain Property. Motion unanimously carried.

8. Personnel Policy.

Commissioner Wright stated he would like to see all employees be paid for their vacation leave upon termination. Attorney Morphis read a statement directly from the Employment Law book published by the NC School of Government that stated employees do not have to receive vacation pay and a municipality can determine the parameters that vacation pay operates. Commissioner Parker stated the current language in the policy gives an incentive for an employee to work out a notice or else they will not receive their vacation pay. Mayor Mofield stated she doesn't believe probationary employees should receive any vacation pay. A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to remove the line on Page 103, Section 16 in the Personnel Policy that reads "Persons not giving the required notice will not receive any pay for accumulated Vacation Leave. Motion was opposed by Mayor Pro-tem Farrell and Commissioner Parker. Mayor Mofield broke the tie by approving the motion. Motion carried with a 3-2 vote.

Commissioner Wright stated he would like to see a list of examples of unacceptable personal conduct to be added to the Personnel Policy. The Board requested an updated spreadsheet with items they want to change in the Personnel Policy before the next work session. Agenda Item for Work Session on June 3, 2010.

9. Gross Receipts.

Manager Zell stated he had given each Board member examples of what could possibly happen if the Town went with gross receipts. Manager Zell stated he doesn't want to affect small businesses with this item – but rather just the large businesses such as Wal-Mart. Manager Zell explained the examples and how the additional revenue would add up. Commissioner Wright questioned fees for business licenses. Manager Zell stated the state sets up these amounts – not the Town. Commissioner Wright stated any business that has a loan would have a profit/loss statement that would show their prior year's sales. Mayor Mofield stated she did not want the Billing Clerk to have the responsibility to estimate sales for the first year. Mayor Mofield suggested a flat fee for the first year – and then business owners would have to show their federal tax return to determine the next year's fee. Manager Zell recommended \$0.50 per \$1,000

of sales. Commissioner Parker stated he wants to be sure that smaller businesses are not affected by going to gross receipts. Commissioner Wright requested Manager Zell to work out some other examples – start with \$2,000,000 of sales and do about ten different examples. Attorney Morphis suggested making exclusions for certain types of businesses. Mayor Mofield asked if other local governments do gross receipts. Attorney Morphis stated gross receipts are very common. Agenda Item for Work Session on June 3, 2010.

10. Estimates for Building Improvements.

Manager Zell stated there are several items needing repair that Public Works Director Rickie Monroe has obtained quotes for. The items needing repair and the costs are listed below:

Replace rotten railing at library - \$2,200

Replace rotten railing at depot and replace with steel railing – \$2,300

Install split rail fencing that can be shared with Artist's League - \$300

Painting and repair of rotten wood at Finance Bldg. - \$4,820

Repaint the Depot with the existing colors - \$8,620 or

Repaint the Depot with 2 colors only - \$7,420

Manager Zell stated the grand total for the presented building improvements would be \$18,240 for the most expensive route or \$17,040 for the least expensive route.

Commissioner Wright requested Manager Zell to approach Neil with the AA Group and see if they could paint their building if the Town bought the paint. Manager Zell stated he would speak with Neil.

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to approve spending \$18,240 to come out of this fiscal year's budget for the estimates presented. Motion unanimously carried.

11. Schedule Budget Work Sessions for May.

Manager Zell stated May 6th will be the first Budget Work Session at 5:30 p.m. Manager Zell stated budget books will be given out and highlights will be discussed. Manager Zell stated the Board will need to talk about water/sewer rates for next year and some projects.

Manager Zell stated after the Board has had time to review the budget, then the next Budget Work Session will be held on May 13th at 5:30 p.m. to discuss and hopefully finalize the budget. Manager Zell stated they could possibly meet on May 20th and May 27th if necessary to finish discussing the budget.

12. Update on Wagram Water and Sewer Facility.

Manager Zell gave the Board an update on the Wagram Water and Sewer Facility he just received from a meeting he attended. Manager Zell stated Moore County and Laurinburg were not present for the meeting. Manager Zell stated the idea is to go through the Rural Center and work with other municipalities to form a regional group to do this project. Manager Zell stated he will keep the Board updated on this project.

13. Other Business

Commissioner McMurray stated there was a Malcolm Blue Farm meeting this past Monday night. Commissioner McMurray stated the farm really needs some help mowing the grass. Commissioner McMurray stated she just wanted the Board members to understand that there are no obligations at this point for the Town Board to send staff to do work at the Malcolm Blue Farm. Mayor Pro-tem Farrell stated he is concerned of what it might look like if Town employees are mowing grass at Malcolm Blue Farm. Mayor Mofield stated perhaps it wouldn't be an issue since Malcolm Blue Farm is a non-profit organization. Commissioner McMurray stated June 12th is the bluegrass festival and that is why Malcolm Blue Farm is requesting the additional help. Mayor Mofield suggested mulling over this issue until later to make a decision.

Mayor Mofield inquired about the status of Kathy Liles. Manager Zell stated she is recovering well.

14. Adjournment.

With no further items for discussion or review, a motion was made by Commissioner Wright, seconded by Commissioner Parker, to adjourn the Work Session. Motion unanimously carried.

Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on May 6, 2010

Elizabeth B. Mofield, Mayor

Minutes were adopted
May 10, 2010