

Minutes
The Regular Meeting of the
Aberdeen Board of Commissioners

June 8, 2009
Monday, 6:00 p.m.

Aberdeen Town Hall
Aberdeen, North Carolina

The Aberdeen Board of Commissioners met Monday, June 8, 2009 at 6:00 p.m. for their regular Board Meeting. Members present were Mayor Elizabeth B. Mofield and Commissioners Robbie Farrell, Donna Shannon, Walter Wright and Jim Thomas. Commissioner Pat Ann McMurray was not present for the meeting. Others in attendance were Town Manager Bill Zell, Public Works Director Rickie Monroe, Planning Director Kathy Liles, Planner Patti Jilson, Chief Building Inspector Rodney Childress, Parks & Recreation Director Leigh Baggs, Town Attorney T.C. Morphis, and Town Clerk Regina Rosy. Several citizens were also in attendance including Elease Goodwin, Danaka Bunch, Lee Bunch, Dale Streicker, Shirley Starkey, Joseph Ussery, and Sana Smith.

1. Call to Order

Mayor Mofield called the meeting to order.

PUBLIC HEARINGS

a. Town Manager Budget Message and Proposed Fiscal Year 2009-2010 Operating Budget.

Mayor Mofield opened the Public Hearing for the Town Manager Budget Message and Proposed Fiscal Year 2009-2010 Operating Budget.

Town Manager Zell stated he is breaking history tonight by presenting his first powerpoint ever. He stated this public hearing is required by General Statute 159B. He stated the budget is presented with a 4.6% increase in total Town property valuation assessment. He stated the general fund budget total is \$5,590,436 which represents a 6.35% decrease from the current year. Manager Zell stated the Water & Sewer budget total is \$2,388,136 which represents a 15.03% increase from the current year which is due to the cost of waste water treatment.

Manager Zell stated he has budgeted for a 2% across the board cost of living adjustment for all full-time and part-time employees. Continued employee benefits will include medical, dental and life insurance for employees, funding for 5% 401-k contribution, 5% contribution to NCLGERS, longevity bonus based on years of service, Safety & Health Day, and Employee Appreciation Day. Manager Zell stated he has budgeted for an Assistant Public Works Director to begin in January 2010. Manager Zell stated the current hiring freeze will remain in effect and positions will be replaced only if it is essential to the operation of the Town.

Manager Zell stated only normal operational funding for our Town buildings has been included. Manager Zell stated he has budgeted for architectural plans to be drawn for a potential fire station expansion. Manager Zell stated the Town is searching for a piece of land suitable for the building of a new police station.

Manager Zell stated for special appropriations he has included the following: Aberdeen Lions Club - \$2000, Walter Hine Page Library - \$4500, Malcolm Blue Farm & Historical Society - \$2500, Aberdeen Postmaster House - \$3000, Rooster's Wife - \$2000, Moore County Chamber - \$716, Partners in Progress - \$12000.

Manager Zell stated the new total property valuation will be \$640,555,000 which is a 4.6% increase over current valuation. This does not include newly annexed property, which is an additional \$10-\$12 million in valuation. He stated this will generate an additional \$120,185 in tax revenue and represents approximately 45% of the overall general fund revenue. Manager Zell stated total property valuation has nearly doubled in the last six years. Manager Zell is estimating sales tax to drop 8%-10%. Manager Zell proposed that the property tax rate remain at 43 cents per \$100 of property value. One penny of tax will generate \$62,880 at a 98.5% collection rate. He stated there is no increase on the solid waste collection fee – with approved change for curbside garbage pickup once per week. Manager Zell stated cell phone antenna contracts will remain at eight with estimated revenue of \$210,000.

Manager Zell stated for the Water/Sewer Fund, he has instituted a new tiered rate system for water and sewer which will allow for conservation. Manager Zell stated he increased the water/sewer rates to meet the Moore County wastewater treatment cost. Manager Zell stated Well #20 and Well #21 should both be finished next year and both will be connected to Well #11. Manager Zell stated the cost of wastewater treatment will increase from \$2 per thousand to \$2.61 per thousand gallons.

Manager Zell stated the only items he has budgeted for Capital Outlays is three patrol cruisers for the Police Department. Capital Outlays for the Water/Sewer Fund include expansion and repair of current water and sewer system.

Manager Zell stated several Water/Sewer Capital Projects have been submitted for stimulus funding: Forest Hills Sewer - \$496,000, Berkeley Sewer project - \$220,000, Anderson Street Sewer project - \$142,000, Water Systems 3 and 4 Interconnection - \$500,000.

In conclusion Manager Zell thanked staff, department heads, and Commissioner Wright for all of their help in preparing the budget. He felt this will be a challenging year before us but he recommends the budget without reservation.

Dale Streicker, a resident of Aberdeen, wanted to know if the Forest Hills Subdivision sewer lines would be extended during the new budget year or would

there be a possibility of replacing what is there. Manager Zell stated sewer lines would be added to current sewer lines already in place.

Lee Bunch, a resident of Aberdeen, wanted to know if garbage pickup was a done deal. He wanted to know why the Board is considering this. Manager Zell stated it is a cost savings measure. Mr. Bunch wanted to know if he could get another container. Public Works Director Rickie Monroe informed Mr. Bunch he could get a larger container for his garbage. Mayor Mofield stated needs would be accommodated as necessary relating to garbage pickup.

Mayor Mofield thanked Manager Zell for the budget, and she stated it appears fiscally sound and conservative, yet recognizes employees since they are such a huge asset.

With no additional public comment or Board discussion, Mayor Mofield closed the Public Hearing for the Town Manager Budget Message and Proposed Fiscal Year 2009-2010 Operating Budget.

- b. Conditional Use Permit CU#09-03 submitted by Diane Teschendorf for a home daycare.

Mayor Mofield opened the Public Hearing for Conditional Use Permit CU#09-03 submitted by Diane Teschendorf for a home daycare.

Town Clerk Regina Rosy swore in Planning Director Liles. Planning Director Liles requested the powerpoint and staff report be entered into the record. Commissioner Farrell asked if the applicant was requesting six children. Planning Director Liles stated the maximum has been set at five and the applicant is aware of the maximum of five. Commissioner Farrell asked if the hours of operation are consistent with others in the area. Planning Director Liles stated the hours are consistent.

With no additional public comments or Board discussion, Mayor Mofield closed the Public Hearing for Conditional Use Permit CU#09-03 submitted by Diane Teschendorf.

- c. Conditional Use Permit CU#09-05 submitted by Sana T. Smith to operate a web-based clothing sale.

Mayor Mofield opened the Public Hearing for Conditional Use Permit CU#09-05 submitted by Sana T. Smith to operate a web-based clothing sale.

Town Clerk Regina Rosy swore in Planning Director Liles and Sana T. Smith. Planning Director Liles read the findings of fact and the Planning Board recommendation. Planning Director Liles requested the powerpoint presentation and staff report be entered into the record.

Mayor Mofield asked what the name of the company will be. Ms. Smith stated the name of the company will be GLM Styers. Mayor Mofield asked if there would be anything in her size. Ms. Smith stated there would be items in Mayor Mofield's size. Commissioner Farrell asked if there would be signage for the business. Planning Director Liles stated there would be no signage for the business. Ms. Smith stated her business would sell clothing, shoes, accessories, and jewelry – she stated she loves to shop and this would be a great business for her to supplement her income. Commissioner Farrell asked if customers would be coming to her house. Ms. Smith stated business is web-based and purchases would take place online and shipments would be mailed. Mayor Mofield asked if items would ship directly from the manufacturer to the customer or if items would be shipped to Smith first. Ms. Smith stated she would have items shipped to her – then she would ship items to customers.

With no additional public comment or Board discussion, Mayor Mofield closed the Public Hearing for Conditional Use Permit CU#09-05 submitted by Sana T. Smith.

- d. Conditional Use Permit CU#09-04 and Site Plan Review SP#09-02 submitted by Joseph Ussery.

Mayor Mofield opened the Public Hearing for Conditional Use Permit CU#09-04 and Site Plan Review SP#09-02 submitted by Joseph Ussery.

Town Clerk Regina Rosy swore in Planning Director Kathy Liles and Joseph Ussery. Planning Director Liles stated this site plan is to take down the existing building on the property located at 517 South Sandhills Blvd. and replace with a new building. She stated this property is the site of the old public works facility. Planning Director Liles stated the property is located in Highway Commercial and R-20 Residential Zoning District. Planning Director Liles requested the powerpoint and staff report be entered into the record.

Commissioner Farrell asked about how the property is aligned with the bridge. Planning Director Liles stated the bridge issue was addressed with NCDOT and they signed off on it. Mayor Mofield asked if this was a private or public warehouse. Mr. Ussery stated it is a private warehouse and will be used by occupants who will rent space from him. Mayor Mofield asked if there was just one occupant – Mr. Ussery stated there would be 2 occupants who would rent space from him. Mayor Mofield asked about vehicles unloading and loading there – Mr. Ussery stated moving/storage trucks would be loading/unloading. Commissioner Farrell asked if there would be hours of operation. Planning Director Liles stated the hours of operation have not been addressed. Mr. Ussery stated occupant and he would work together and he would work with them on hours of operation. He stated it would be all hours. Mayor Mofield asked if R-20 was located on US 1 down

further from there. Planning Director Liles stated Industrial Heavy is located across the street, Highway Commercial is north of property.

With no additional public comments or Board discussion, Mayor Mofield closed the Public Hearing for Conditional Use Permit CU#09-04 and Site Plan Review SP#09-02 submitted by Joseph Ussery.

2. Setting of the Agenda

Manager Zell stated there were several changes to the agenda. He stated a Closed Session will need to be held next for the purpose of Attorney/Client Privilege and Land Acquisition. A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve the agenda as amended. Motion unanimously carried.

3. Closed Session

A motion was made by Commissioner Farrell, seconded by Commissioner Thomas to go into Closed Session for Attorney/Client Privilege to discuss Land Acquisition. Motion unanimously approved.

The Board returned from Closed Session with no action taken.

4. 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.

Minutes of Regular Board Meeting on May 11, 2009, Budget Work Session on May 14, 2009, Special Called Meeting on May 18, 2009, Closed Session on May 18, 2009, and Work Session on May 28, 2009.

A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to approve the consent agenda. Motion unanimously carried.

5. Informal Discussion and Public Comment

Mark Seifort, who is the grandson of Jack Taylor, Sr., stated the Town Building Inspector has condemned the Taylor building – which makes it impossible to market the property or be able to use it for any purpose. Mr. Seifort stated the condemnation has basically put his sister in poverty due to the cost. He stated he is begging for help. He stated Johnny Morgan is the only interested party in the property. He stated Mr. Morgan wants to use the property for storage of tires and cars awaiting pickup. He stated Planning Staff will not allow Johnny Morgan to use

the property for the automotive purpose due to the current zoning. Neil Smith Engineering has been hired to assess the building. Mr. Smith has reported that if \$5,000 was spent to support the rear of the building that the building would be considered to be no threat to health or safety. He proposed that the Town lift the condemnation order, put the bracing into effect, tear down the wooden roof, issue certificate of occupancy for bottom floor of building, and Mr. Morgan could use bottom floor for storage, and rezone the property to Highway Commercial.

Mayor Mofield thought it would have been wise to use the insurance money from the fire to replace the roof on the building. Mayor Mofield stated the Board is bound by law to protect the people of Aberdeen.

Planning Director Liles explained her role as Floodplain Administrator and Rodney's role as Chief Building Inspector. Planning Director Liles stated they would be held liable both professionally and personally if they did not address these issues.

Planning Director Liles explained the timeline of what has transpired with this property. She showed aerial photos of the property and a floodplain map showing where the property is located. Planning Director Liles stated the building and site must be compliant with zoning code, building code and flood damage and prevention ordinance before any use of property can take place. Planning Director Liles stated the Chief Building Inspector has already made the determination that the building is unsafe – he can not take that back once he has made the ruling until the building is safe. Chief Building Inspector Childress stated to be quite blunt – the building is beyond repair. He stated it is in terrible shape and would cost a terrible amount of money to ever repair it. Chief Building Inspector Childress stated the floodplain zoning is really working against this property. Mayor Mofield stated this item will be discussed further at the July 30th Work Session. Planning Director Liles stated she will sit down with Mr. Seifort between now and the Work Session to discuss some other options.

Mayor Mofield stated this Saturday there will be a groundbreaking and picnic for Duncan Camp at 5:00 p.m. for a girl's wilderness camp at the Haskell Duncan property.

6. Financial Report

Manager Zell stated the expenses in May included the first payment on the recreation building, new fire truck, and three police vehicles. Manager Zell stated expenses for May were rather high, but we are still \$212,413.27 in the black. He stated in the Water/Sewer Fund the wastewater treatment plant is the highest cost that has hit us this year. Manager Zell stated the fund balance for Water/Sewer Fund is at 112% which means we have \$2.3 million in our Water/Sewer Fund available.

Mayor Mofield asked if Manager Zell had received any extra information from the County yet about the infiltration issue talked about at the last Work Session.

7. Old Business

None

8. New Business

a. Resolution to Approve Financing Term for Police Vehicles.

Manager Zell stated this resolution is for the three police vehicles we just purchased. Mayor Mofield stated we pull the three oldest vehicles each year from police and buy three new ones each year to keep them in good running condition. Mayor Mofield stated the first three years are at police dept., then moved to other departments until the point they are useless then they are auctioned.

A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to approve the Resolution to Approve the Financing Term for three police vehicles in the amount of \$84,100 at an interest rate of 3.4% for a three-year term. Motion unanimously carried.

b. Resolution Accepting and Endorsing the Solid Waste Management Plan of 2009 for Moore County.

Public Works Director Rickie Monroe stated this is an annual agreement and the County pays the majority of the cost – the Town only had to pay \$900.

A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve the Resolution Accepting and Endorsing the Solid Waste Management Plan of 2009 for Moore County. Motion unanimously carried.

c. Curbside One-day per Week Garbage Pick-up.

Mayor Mofield stated she had received one call from a business who was not in favor of this. Mayor Mofield stated Public Works Director Monroe had already learned of the situation, and it would be handled. Commissioner Wright recommended the correspondence be addressed as household garbage not trash so there would be no confusion.

A motion was made by Commissioner Shannon, seconded by Commissioner Wright, to approve the curbside one-day per week garbage pick-up effective July 7, 2009. Motion unanimously carried.

d. Authorize Lease of Town Property.

Manager Zell stated the two AT&T antennas will renew February 1, 2010. Commissioner Shannon wanted to know the difference in rates from the previous year. Manager Zell stated it is a fixed dollar amount – \$30,000 for the next five years, then it will be \$34,000 for five years.

A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to authorize the lease of Town property for antennas. Motion unanimously carried.

e. Conditional Use Permit CU#09-03 submitted by Diane Teschendorf for a home daycare.

A motion was made by Commissioner Farrell, seconded by Commissioner Thomas, to approve Conditional Use Permit CU#09-03 submitted by Diane Teschendorf to operate a home daycare with the recommended conditions. Motion unanimously carried.

f. Conditional Use Permit CU#09-05 submitted by Sana T. Smith for a web-based clothing sale.

A motion was made by Commissioner Thomas, seconded by Commissioner Shannon, to approve Conditional Use Permit CU#09-05 submitted by Sana T. Smith for a web-based clothing sale. Motion unanimously carried.

g. Conditional Use Permit CU#09-04 and Site Plan Review SP#09-02 submitted by Joseph Ussery.

A motion was made by Commissioner Thomas, seconded by Commissioner Shannon, to approve Conditional Use Permit CU#09-04 and Site Plan Review SP#09-02 submitted by Joseph Ussery with the recommended conditions. Motion unanimously carried.

h. Reappointment to Planning Board.

Bob Riggsby – willing to serve another term as in-town representative on Planning Board. Broadus Combs is also getting ready to expire on June 30, 2009 – and he does not want to serve again.

A motion was made by Commissioner Shannon, seconded by Commissioner Wright to reappoint Bob Riggsby to the Planning Board. Motion unanimously carried.

- i. Resolution to Modify Surety Bonds for Infrastructure Improvements for Legacy Lakes, Phase 1, Maps 1 and 2.

Planning Director Liles stated this is a maintenance item. She wants to be sure these don't expire. She stated the Legacy is asking us to modify these surety bonds – now we are dropping back to four bonds with riders to cover the remaining infrastructure that needs to be done.

A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve the Resolution to Modify Surety Bonds for Infrastructure Improvements for Legacy Lakes, Phase 1, Maps 1 and 2. Motion unanimously carried.

- j. Powell Bill Additions.

Manager Zell stated the Board has received a list of Powell Bill additions for this year, including Legacy Lakes, Ron Jackson's subdivision, Primax Properties and Toby Johnson's request for new annexed Forest Hills.

A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve the Powell Bill Additions. Motion unanimously carried.

9. Other Business

Planning Director Liles stated a few weeks ago, the Board discussed the need for some additional workshops to review the UDO. The Board scheduled July 28, 2009 for the first UDO workshop at 5:30 p.m.

10. Adjourn

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

Regina M. Rosy, Town Clerk

Elizabeth B. Mofield, Mayor

Minutes were completed in
Draft form on June 9, 2009

Minutes were approved
on August 10, 2009

