

Minutes
Work Session
Aberdeen Board of Commissioners

September 3, 2009
Thursday, 5:30 p.m.

Aberdeen Town Hall
Aberdeen, North Carolina

The Aberdeen Town Board met on Thursday, September 3, 2009 at 5:30 p.m. for their regular Work Session. Members present were Mayor Elizabeth B. Mofield and Commissioners Robbie Farrell, Pat Ann McMurray, Jim Thomas, and Walter Wright. Commissioner Donna Shannon was not in attendance for the Work Session. Others in attendance were Planning Director Kathy Liles, Town Attorney T.C. Morphis, Parks & Recreation Director Leigh Baggs, Public Works Director Rickie Monroe, and Town Clerk Regina Rosy.

Mayor Mofield called the Work Session to order. A motion was made by Commissioner Farrell, seconded by Commissioner Wright to go into Closed Session for Attorney/Client Privilege to discuss litigation. Motion unanimously carried. The Board returned from Closed Session. Mayor Mofield asked that Agenda Item 13-c be moved to the beginning of the agenda.

13-c. Sandy Springs Conditional Use Permit.

Planning Director Liles stated Sandy Springs is ready to move into Phase II at this point with development. The bank is not willing to put up enough money for even just Phase II-A at this point. The bank is willing to finance 8-10 homes at a time. Planning Director Liles stated Attorney Morphis wrote some language this past year to allow her to approve this from an administrative standpoint. Attorney Morphis stated a new public hearing would not need to be held as long as there is no substantial change to the original conditional use permit. Planning Director Liles stated a smaller recreational area could be included by making a change to the original conditional use permit. Attorney Morphis stated the purpose of bringing this item to the Board is to determine if this issue is a minor change or a major change. If it is considered a minor change, then Planning Director Liles has the authority to approve this change. Commissioner Wright wanted to be sure the large recreational area will still remain in the development process, even though a small open space will be used right now to satisfy the recreation requirement. Planning Director Liles stated Phase II would be built in three phases: 8 houses, 10 houses, 9 houses. The Board agreed this would be considered a minor change and Planning Director Liles could handle this situation as long as Stafford would agree to put in a recreational area in the open space.

1. Water & Sewer Adjustment Policy.

Public Works Director Monroe stated there have been a few problems. He stated several citizens have been coming in with strange requests regarding their water/sewer bills. He stated a more concrete policy needed to be adopted in order to avoid abuse of adjustments. Public Works Director Monroe stated the first change was to not allow sewer to be adjusted unless it is proven that the leak did not enter the

sewer system. Public Works Director Monroe also stated should a leak go into a second billing cycle, the adjustment will be made to the higher bill. Public Works Director Monroe stated he also proposes to add in that no adjustments be allowed on water only irrigation meters. Commissioner Wright stated he felt it was discrimination to not allow adjustments for water only irrigation meters, but then allow adjustments for household meters. Commissioner Wright felt that if adjustments were going to be allowed, they needed to be allowed for all meter types. Public Works Director Monroe also proposed that there be no adjustments for the pools with the exceptions of new construction (first time fill up) or in the replacement of a pool liner. He stated the Town will adjust off sewer charges only, unless the pool is drained into the sewer system. Public Works Director Monroe stated proof would have to be shown of leaks being fixed in order for the bill to be adjusted. Public Works Director Monroe stated if the water runs into sewer then we can not give adjustments because it is just too costly to the Town. Mayor Mofield requested "off" be removed from #7. Mayor Mofield suggested that the first 10,000 gallons of water be adjusted for water leaks for water only irrigation meters, but nothing after that. All Board members felt 10,000 gallons of adjustment was fair for water only irrigation meters. Commissioner Wright stated that it should be added in the policy that if a head blows off of a sprinkler system then there will be no adjustments allowed to the bill. Agenda Item as New Business.

2. Drought Preparedness and Management Law Guide.

Public Works Director Monroe stated until this ordinance is passed, Building Inspector Rodney Childress can not go out and enforce this issue. Public Works Director Monroe stated the State of NC passed this ordinance in July 2009 so we are a little bit behind. Public Works Director Monroe stated there are several new requirements that we must have in place over the next several months in order to apply for funding from certain state agencies. A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to approve the Ordinance Amending the Irrigation Meter of the Town of Aberdeen. Motion unanimously carried.

3. Backflow Prevention Program.

Public Works Director Monroe showed the Board a hot box and a Reduced Pressure Zone. Public Works Director Monroe stated anyone who has a water only meter will have to show proof to the Town that the RPZ has been tested and works properly. If a sprinkler system is already in place, then this RPZ will not be required. Residents will have 90 days to test and furnish the Public Works Department with results. The RPZ test will cost about \$75 to the homeowner. Public Works Director Monroe stated he needs this ordinance approved at the meeting on September 14, 2009 in order to begin enforcement of the requirements. Agenda Item as New Business.

4. Water Shortage Response Plan.

Public Works Director Monroe stated the Town is required to submit a Water Shortage Response Plan to the State of NC. He stated the he needs this

resolution approved at the meeting on September 14, 2009. Agenda Item as New Business.

Public Works Director Monroe brought up the recycling issue. He stated he received a list of items from Uwharrie Environmental that are banned items from landfills. Public Works Director Monroe stated citizens are going to need a way to dispose of those items safely and recycling could be the answer. He stated the Public Works Department could possibly pick up recyclable materials every other Wednesday and then transport the items to Wagram. Public Works Director Monroe stated he believes it would be cheaper to carry recyclable materials to Wagram than the \$16,000 we're spending right now at the landfill. The Board was in favor of beginning recycling for Aberdeen residents.

5. Street Improvements 2009-2010.

Public Works Director Monroe stated they would do as many of the street improvements as possible in 2009-2010. Public Works Director Monroe stated if the Board had no issues with the street improvements, then bids would be mailed out as soon as possible.

6. Voluntary Contiguous Annexation for Haskell Duncan Property.

Planning Director Liles stated this item is ready for a Public Hearing and New Business. Agenda Item for Public Hearing and New Business.

7. Ordinance to Amend the Aberdeen Code of Ordinances as it Relates to Extraterritorial Representation on the Aberdeen Planning Board.

Planning Director Liles stated the ETJ representation on the Planning Board is required by NC General Statutes to be proportional to the percentage of extraterritorial population within the zoning jurisdiction of the town. Planning Director Liles based on estimates prepared by Holland Consulting Planners, approximately 20% of the residents in Aberdeen's zoning jurisdiction live in the ETJ which would translate into five in-town members and two ETJ members. She stated there are currently three ETJ vacancies on the Board which is why now would be an appropriate time to adjust ETJ representation by reducing the number of ETJ representatives from three to two. Planning Director Liles stated an ordinance would need to be adopted to change the Planning Board representation following a public hearing.

Planning Director Liles stated she also attached a list of potential applicants for the Planning Board. She stated upon approval of the new ordinance, there would be a vacancy for one in-town position, one ETJ position, and one ETJ alternate position. Planning Director Liles stated Dell Crumpton is already on the Historic Preservation Commission and she is a part-time employee now with the Town. Commissioner McMurray stated Mollie Wilson travels a lot and may not be available very much. Commissioner Farrell suggested Joe Dannelley, a retired major from the Air Force.

Planning Director Liles stated staff recommends the Board of Commissioners to schedule the Ordinance for Public Hearing on September 14, 2009 and consider adoption under New Business. She also recommended that the Board consider the list of in-town applicants and appoint one new in-town resident to the Planning Board. Agenda Item as Public Hearing and New Business.

8. Amendment of the Resolution to Consider the Annexation of Certain Areas into the Corporate Limits of the Town of Aberdeen.

Planning Director Liles stated Resolutions of Consideration are optional. She stated if a local government does not adopt one to initiate the involuntary annexation process, then parcels may not come into corporate limits until one year after the effective date of the Annexation Ordinance. Planning Director Liles recommended that the Board of Commissioners keep a Resolution of Consideration effective so that involuntary annexations may easily move forward when appropriate.

Planning Director Liles stated The Pit Golf Course and nearby parcels owned by PCC Realty, Legacy Golf Links Course, properties owned by the Town of Aberdeen, and an approximate 64.8 acre parcel of land owned by John Johnson and partners have all been added to the maps. Kathy stated staff recommends that the Board provide any recommended changes to the map, schedule this item as New Business on September 14, 2009, and adopt the updated Resolution of Consideration and attached maps. Agenda Item as New Business.

9. Offers of Dedication.

Planning Director Liles stated we are in a catch 22 with this item. Planning Director Liles stated current regulations require sometimes 2 or 3 boards to take action on the same issue, which gets things out of sync. Planning Director Liles stated due to the separation of jurisdiction in the Zoning Code, staff is seeking input from the Board on two projects prior to the Planning Board's final action on requested plats.

Planning Director Liles stated the Kirby Holding Group has submitted a request for approval of a preliminary plat for a major subdivision creating 11 lots on 6.45 acres at the intersection of Campbell St. and Bethesda Rd. The Kirby Holding Group has proposed a walking trail in lieu of a sidewalk because the volume is low and doesn't trigger the condition for an improved sidewalk, the road right of way is narrow, and significant mature trees would have to be removed and a berm taken down to install the sidewalk. Planning Director Liles stated the Historic Preservation Commission recommended a sand/clay trail in an easement in lieu of a sidewalk. Planning Director Liles stated the Planning Board has not taken a final position on waiving the sidewalk requirement at this time. Mayor Mofield asked if sidewalks could be placed around the existing trees, rather than tearing them down. Planning Director Liles stated there is not enough right of way for the sidewalks. Commissioner Farrell was very upset because the code once again does not enforce sidewalks. Planning Director Liles stated the Board could refuse to accept the offer of dedication from the Kirby Holding Group. The

Board suggested the Kirby Holding Group move the houses back some from the road in order to allow enough room for a sidewalk by the road. Commissioner McMurray felt that would be more appealing. Commissioner Thomas was concerned if the sidewalks were behind the trees, citizens would not have access to the sidewalks due to their location. The Board felt this was a tough issue, because they wanted sidewalks, yet do not want to have to tear down mature trees.

Planning Director Liles stated the other issue is Forest Hills West has been resubmitted as a concept plan for a preliminary plat. Planning Director Liles stated the applicant proposes that 23.8 acres of open space be dedicated to the Town. This offer would assist the Town in completing a western trail along Aberdeen Creek and could be used towards grant match. Planning Director Liles stated both of these items will be taken back to the Planning Board in their next meeting.

Leigh stated the Parks & Recreation Advisory Committee is meeting next week to discuss both of these issues. The Board directed Planning Director Liles to find the tree ordinance. Planning Director Liles reiterated in November 2009 the new UDO will be approved and will cover trees, sidewalks, etc.

10. Proclamation Naming Town Hall Rotunda the J. Curtis McInnis Meeting Room.

Town Clerk Regina Rosy stated she had contacted several surrounding municipalities and was not able to locate a proclamation to name a Town building. Town Clerk Regina Rosy stated she had prepared a draft form of a proclamation but would need some input from the Board to complete the proclamation. Mayor Mofield stated she would like to think about a different name for the rotunda rather than the J. Curtis McInnis Meeting Room. The Board decided to table this item until the next Work Session to think further on what to put in the proclamation and what to name the room. Agenda Item for Work Session on October 1, 2009.

11. Resolution Stating Intent to Participate in a Regional Water and Wastewater Consortium to Supply Water and Wastewater Services to Southern Moore County and Parts of Scotland County.

Town Clerk Regina Rosy stated Natalie Dean with the Village of Pinehurst requested that this resolution be approved by the Board at the meeting on September 14, 2009. The purpose of this resolution would be to formally express interest in forming a regional water/wastewater consortium. Agenda Item as New Business.

12. FMLA Policy Revision.

Town Clerk Regina Rosy stated there have been several federal changes to the family medical leave act. Due to these changes, a new family medical leave policy has been drafted to include all applicable information. Town Clerk Regina Rosy stated having this policy in place would help protect the Town from future family medical leave issues. Agenda Item as New Business.

13. Other Business

- a. Discuss Reschedule of Work Session on October 1st to September 28th.

Town Clerk Regina Rosy stated Manager Bill Zell will be out of town on Thursday, October 1st when the Work Session is scheduled and would like to reschedule the Work Session if possible. Commissioner Wright stated he would like the meeting left on the original night of Thursday, October 1st if possible. The Board was in agreement of leaving the Work Session on Thursday, October 1st.

- b. Letter from Steve Saye – Downtown Aberdeen

Commissioner McMurray stated she had been contacted by 2 citizens about this issue. She stated she felt the Town has been making progress in the downtown area.

14. Adjournment

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

Regina M. Rosy, Town Clerk

Minutes were completed in
draft form on September 4, 2009

Elizabeth B. Mofield, Mayor

Minutes were adopted
September 14, 2009