

Minutes
Work Session
Aberdeen Board of Commissioners

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

Aberdeen Town Hall
Aberdeen, North Carolina

The Aberdeen Town Board met on Thursday, December 3, 2009 at 5:30 p.m. for their regular Work Session. Members present were Mayor Elizabeth B. Mofield, Mayor Pro-tem Robbie Farrell and Commissioners Jim Thomas, Donna Shannon, Pat Ann McMurray and Walter Wright. Other staff members in attendance were Town Manager Bill Zell, Planning Director Kathy Liles, Planner Patti Jilson, Parks & Recreation Director Leigh Baggs and Town Clerk Regina Rosy. Others in attendance were Ray Manieri with All American Associates, Martha Swarengin, Alan Parker, and Reporter for the Pilot Hannah Sharpe.

Mayor Mofield called the Work Session to order.

1. Vote on Resolution Regarding Plan Consistency for Habitat Rezoning.

Mayor Mofield wanted some explanation as to why the Board has to revote on this item. Planner Jilson explained this piece of the motion was inadvertently left off at the previous meeting and must be approved at tonight's meeting.

A motion was made by Commissioner McMurray, seconded by Commissioner Wright, to approve the Resolution Regarding Plan Consistency for Habitat Rezoning. Motion was approved by Commissioners Wright, Farrell, and McMurray. Motion was denied by Commissioner Thomas. Donna Shannon was not present for the meeting during this motion.

2. Land Acquisition Process for the Bethune St. CDBG Project.

- a. Establishment of Just Compensation.
- b. Resolution Regarding the Purchase of Property for the Bethune St. Redevelopment Project.
- c. Resolution Regarding the Acquisition of Property for the Bethune St. Redevelopment Project by Eminent Domain.
- d. Resolution Regarding the Transfer of Property to Habitat for Humanity.
- e. Offer of Just Compensation Letter.

Ray Manieri gave the Board an updated form that showed the status of the project thus far. Procurement of professional services is complete. Land acquisition is the big project right now. Ray Manieri stated he hopes to be making some offers by January and make some closings by spring. Ray Manieri pointed out that only about \$50,000 has been spent thus far which has mainly been for administration of the grant. Ray Manieri stated the grant is moving forward as planned. Ray Manieri stated approvals will be needed for the land acquisition process. He stated the Town Manager will have to establish just compensation for appraised values. Ray Manieri stated the Town Board will have to approve the amount and authorize himself to make an administrative settlement up to a certain amount. Donna Shannon came in at 5:45 p.m. to the meeting. Ray Manieri stated Attorney T.C. Morphis has reviewed all of these documents and made minor changes.

Commissioner Thomas pointed out that Ray Manieri is recommending appraised value plus up to an additional 20%. Ray Manieri stated that is a very reasonable amount when considering other fees that could be incurred by not settling. Ray Manieri stated he will handle all negotiations. Commissioner Thomas wanted to know who determines the appraised value. Ray Manieri stated the first appraisal is final, and then a review appraisal is completed to be sure the appraisal process was done accurately. Mayor Mofield asked who the appraiser is. Ray stated James Ward out of Sanford was awarded the contract for original appraisals, and the review appraisal will be completed by Jim Myrick from Southern Pines. Ray Manieri went through all of the forms and the importance of each one.

3. Schedule Meeting to Review Unified Development Ordinance.

Manager Zell stated Tuesday, January 5th would be the Work Session for the January meeting. Due to the upcoming holidays, the Board unanimously decided to wait and schedule a meeting to review the UDO at the January 5th Work Session meeting.

4. Petition for Voluntary Annexation for Academy of Moore.

Planning Director Liles stated the public hearing is scheduled for December 14, 2009 for the voluntary annexation for the Academy of Moore. Agenda Item as Public Hearing.

5. Accept Petition and Adopt Resolution of Intent for Street Closing.

Planning Director Liles explained this street is in the Berkeley community and Habitat is hoping to not have to divide up the area so that an additional home can be built. A motion was made by Commissioner Shannon, seconded by Commissioner Thomas, to accept the petition and approve the Resolution of Intent to consider closing Cedar Street beginning at Spring Street and terminating to the north at the Ted Ray Property. Motion unanimously carried.

6. Discussion on Kennel Text Amendment.

Planning Director Liles stated this item went back to the Planning Board and more research was done. Planning Director Liles stated the Planning Board recommends the language proposed by board – a definition would be included for kennel language and explosives. Planning Director Liles stated this item would be for public hearing for January. Commissioner Wright asked where the closest residential property is located. Planning Director Liles stated K2 is probably not coming to this location – this text amendment would only be future development. Manager Zell stated when the County turned K2 down, K2 began getting calls from all over. Manager Zell stated a lot of work would have to be done to make the site in Aberdeen work for K2's operation. Mayor Pro-tem Farrell wanted to know if this item would be one vote or separate votes. Planning Director Liles stated she could do a package deal or separate them. Mayor Pro-tem Farrell recommended they be separate votes – one vote for explosives and one for dog kennels. Commissioner Wright asked if these changes are consistent with the 2030 land development plan. Planning Director Liles stated the plan shows residential land is most needed – but the Board would not be prohibited from approving. Planning Director Liles stated her recommendation would be to not approve that it is consistent with the 2030 land development plan. Agenda Item as Public Hearing for January 11, 2010.

7. Discussion on Special Indoor Events as an Accessory.

Planning Director Liles stated this is a tough situation to bring back to the Board. Planning Director Liles stated the Board summarily dismissed the issue with Janet Kenworthy at the last Work Session. Since that time, Janet Kenworthy and Ben from Aberdeen Café have added accessory uses. Ms. Kenworthy has installed art throughout her building and is treating the entertainment use as accessory. The Café is offering open mike and karaoke on Friday nights. The argument can be made that both of these uses can legitimately be considered incidental and accessory to the principal uses. However, Ms. Kenworthy is open on a limited bases and it is difficult to determine what the principle use is and what the accessory use is. This has raised the question as to whether or not further definition needs to be made to

accessory uses. Attorney Morphis discusses accessory uses and has provided a starting point for discussion in the memo provided to the Board. Downtown businesses have indicated that accessory entertainment uses may be important to their viability as businesses. A question has arisen as to whether the DROD has served its purpose and if it is time to revisit the DROD and B-1 District. There are many ways to preserve the viability of the downtown area such as establishing percentages for types of different uses within the DROD. Staff recommended that the Board accept public input from area businesses and residents.

Commissioner Wright wanted to know what Attorney T.C. Morphis meant by the Potter's Wheel having concerts as an accessory use. Commissioner McMurray pointed out that the Potter's Wheel is not located in the DROD. Planning Director Liles stated that is absolutely right and Attorney T.C. Morphis didn't realize that building was in the B-1 but not in the DROD. The same is true for Dog Nation. Commissioner Wright pointed out that Attorney T.C. Morphis wrote no more than 10% of a building area may be dedicated solely to concert performance space, no more than 30% of the annual revenue of a business may be generated from concerts, and a business having concerts as an accessory use shall have no more than one concert per month. Commissioner Wright stated he doesn't agree with any of that language. Manager Zell stated the Board would determine what the requirements would be that this was provided as a starting point.

Mayor Mofield stated she thinks music is wonderful and a great marketing tool for businesses. Mayor Pro-tem Farrell stated he was asked by a citizen what he was going to do about this night entertainment taking place at Janet's place. He stated the citizen listened to drums until 11:30 one night and finally called the police. He stated entertainment to one person, is an annoyance to another person. Manager Zell stated a time limit could be put in place on when noise is allowed. Mayor Pro-tem Farrell stated he has been trying to uphold the DROD the last several years – and right now he feels like the Board is just finding loopholes for people to squeeze through. Commissioner McMurray felt that by eliminating the DROD, it would create an open carnival. She stated the DROD has done a lot for the area. Manager Zell stated this particular situation has put a bad taste in everyone's mouth – but he feels the Board should evaluate the DROD and see if it's doing what it's supposed to be doing or does it need to be continued, adjusted, or eliminated. Manager Zell stated the public could have some input as well to help the Board reach a decision.

Planning Director Liles stated the DROD could not be eliminated without looking at the B-1 District too. Mayor Mofield stated she does not believe it needs

to be eliminated, but it does need to be looked at. Commissioner Shannon stated she sees a lot of value in the DROD, but citizens are wanting more vibrance in the core area of Aberdeen, which the DROD prohibits. Mayor Pro-tem Farrell stated another issue is RLUIPA – which is a federal law. Mayor Pro-tem Farrell stated religious uses are protected the same as other areas with same impact. Commissioner Wright stated he is bothered by the fact that so many people violate ordinances and the Town allows it to continue to happen. Commissioner Wright thinks Janet should be sent a letter to let her know she is in violation – but that the Town is studying the issue. Mayor Mofield suggested the Business Guild be invited to the January Board Meeting to discuss the issue.

Mayor Mofield stated the Board should evaluate the DROD and discuss this item again for the January Board Meeting and ask for public input at that meeting. Agenda Item as Informal Discussion for January 11, 2010.

8. Malcolm Blue Farm.

Commissioner McMurray asked Manager Zell if he had reviewed the deeds yet for Malcolm Blue Farm. Commissioner McMurray stated she was at the farm from 1:00 to 5:30 yesterday. She stated there is a leak in the roof at the museum. Commissioner McMurray stated the grading was done first – the water tank was the next issue to be looked at. She stated Public Works Director Rickie Monroe brought some Town boys out to work on the water tank, and it collapsed during the project work. Commissioner McMurray stated there are three trees that need to come down and the building is in bad, bad shape. Commissioner McMurray asked the Board to partner with Malcolm Blue Farm in order to provide some financial relief. Commissioner McMurray stated even having help from the Public Works guys cutting grass would be a huge help. Commissioner McMurray stated she had contacted a 4-H group about coming to help – but they could only help if there were a garden or animals to feed or something of that nature. Commissioner McMurray stated she is afraid that Aberdeen could lose the farm if some attention is not given to the farm. Commissioner McMurray asked Manager Zell and Commissioner Wright to review the information she had put together regarding the Malcolm Blue Farm.

Mayor Mofield stated the Town should determine if it is legal to enter into a partnership with Malcolm Blue. Manager Zell stated he had spoken with Attorney T.C. Morphis about this issue. Attorney T.C. Morphis stated a general scope of what is to be done at the farm would need to be approved by the Town Board before work could be done. Mayor Mofield stated it would appear that the Malcolm Blue Board of Directors have been neglectful of the farm due to its current condition.

Mayor Mofield stated a very specific resolution would need to be approved, before taxpayer money is spent at Malcolm Blue Farm. Mayor Mofield stated Raleigh should be contacted (since the farm is on the National Historical Registry) before any renovations are done at this point.

Commissioner Wright stated the farm looks terrible – and is about to fall down. He stated the Board needs to go out and take a look at it.

Mayor Mofield stated the farm is an asset to Aberdeen.

Manager Zell suggested the Malcolm Blue Board of Directors needs to meet with the Town Board. Commissioner McMurray stated the Board of Directors would meet January 25, 2010 and she would make sure the Town Board received an invitation to the meeting. Commissioner Wright suggested Malcolm Blue Board terms be changed so that they are staggered rather than all terms only serving one year.

Commissioner McMurray informed the Board that December 12, 2009 is open house at Malcolm Blue Farm from 11-4 and the public is invited to attend.

Commissioner Wright also suggested that some young people on the Board possibly serve on the Malcolm Blue Board of Directors.

9. Dedication of Rotunda and Town Hall.

Mayor Mofield stated she had not worked on this item yet, but she would tonight. Manager Zell stated he just wants to keep this item in front of the Board.

10. Presentation of Certificates to CAP Participants.

Manager Zell stated at the Board Meeting on December 14, 2009, he would be presenting certificates to the Citizen's Academy Program participants. Agenda Item as Informal Discussion.

11. Presentation on ISO Rating for Fire Department.

Manager Zell stated the Town would be informed of the ISO rating at the Board Meeting on December 14, 2009. Manager Zell stated no one has any idea what the rating is, so the presentation is much anticipated. Agenda Item as Informal Discussion.

12. Hobbs Upchurch documents for approval.

Manager Zell stated this is for Well 12 and the radium results received from Well 12. Manager Zell stated the Rural Center will give the Town up to \$250,000 but it's a matching grant. The Town would have to pay up to \$180,000 from the Town for this grant. Otherwise, the Town will have to close the well. Manager Zell stated the system will filter out the radium from the well. Mayor Pro-tem Farrell asked if this would be cheaper than drilling a new well. Manager Zell stated it would be about the exact same cost. Manager Zell stated the thing is – Well 12 pumps 230 gallons per minute – and most wells don't produce but 95 gallons per minute. Manager Zell stated a new well would cost about \$180,000.

- a. Resolution to arrange financing. Agenda Item as New Business
- b. 2009-2010 Clean Water Partners' Infrastructure Program Supplemental Application. Agenda Item as New Business
- c. Supplemental Program Commitment of Other Funds Form. Agenda Item as New Business
- d. North Carolina Water/Wastewater Common Application Form. Agenda Item as New Business

13. 2009 Randall Moss Day Proclamation.

Parks & Recreation Director Leigh Baggs stated she wants to present the Proclamation to Randall Moss at the Aberdeen Christmas Parade, signed by the Mayor and Clerk. Parks & Recreation Director Baggs stated Randall Moss will serve as the Grand Marshal for the parade. Parks & Recreation Director Baggs explained the parade route to the Board and handed out a map of the parade to each Board member.

14. Website Videos.

Town Clerk Regina Rosy invited the Board to come down to another office to view the rough drafts of the website videos produced by CGI Communications. The Board reviewed the videos and recommended several changes including Scottish bagpipe music, more pictures of local churches, omitting Pope Air Force Base, different picture for the Sardine Festival, and various other minor changes. Town Clerk Regina Rosy stated the revised videos would be available in early January on the Town's website.

15. Adjournment.

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

Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on December 4, 2009

Elizabeth B. Mofield, Mayor

Minutes were adopted
December 14, 2009