

Minutes  
Work Session  
Aberdeen Town Board

March 29, 2012  
Thursday, 5:30 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Town Board met on Thursday, March 29, 2012 at 5:30 p.m. for their regular Work Session. Board members present were Mayor Elizabeth B. Mofield, Mayor Pro-tem Robbie Farrell and Commissioners Pat Ann McMurray, Alan Parker, Jim Thomas, and Walter Wright. Planning Board members present were Johnny Ransdell, Bob Rigsby, Owen Gallagher, Sarah Ahmad, Janet Peele, and Joe Dannelley. Staff members in attendance were Town Manager Bill Zell, Town Clerk Regina Rosy, Planning Director Kathy Liles, and Town Attorney T.C. Morphis. Others in attendance were Reporter for the Pilot Tom Embrey and Pat Corso with Partners in Progress.

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

1. Joint Meeting with Planning Board – Unified Development Ordinance Amendment UDO #12-02 Regarding Building Exteriors.

Planning Director Liles stated during site plan review of a project currently under construction, staff became aware of inconsistent standards in the requirements for exterior building materials. One section called for 100% of any façade visible from the public right-of-way and 50% of each façade not visible from the public right-of-way to have a non-metal exterior, and another section called for a significantly lower standard. Planning Director Liles stated the proposed text amendment would correct the discrepancy and bring the Town's requirements to the higher of the two standards.

Planning Director Liles stated when the Planning Board met on March 15, 2012, there were some concerns that perhaps the metal building language was too restrictive given the current economic state. At that time, the Planning Board voted to table the item and requested a joint meeting with the Town Board for discussion.

Johnny Ransdell stated the ordinance seems specifically directed at metal buildings and he asked the question previously why this amendment was so specific to metal buildings. Mr. Ransdell gave an example one of the largest metal building in Aberdeen which is the Aberdeen Public Works Department, and stated he believes the proposed language is overly restrictive for metal buildings. A farm building would not be allowed on a residential property with the current language. Mr. Ransdell asked what the strong objection is to metal buildings. Mayor Mofield stated historically it has come to the Town's attention that metal buildings do not endure as long as stick built or brick buildings, and metal buildings last approximately 20 years. Mayor Mofield stated another objection would be appearance. Mr. Ransdell stated typical metal buildings actually last 50 years or longer by the research he completed. Mr. Ransdell

stated metal buildings do not sag, and they are more structurally sound and more energy efficient than stick built buildings. Mr. Ransdell stated there is an endless variety of metal buildings. Mayor Pro-tem Farrell stated often times it has to do with incompatibility, why the Board addressed the metal building language. Mayor Mofield stated there are still metal buildings in Aberdeen right now in a terrible state of disrepair. Janet Peele stated this proposed ordinance would put her out of business if there were a fire, because no other type of construction could be afforded. Mayor Mofield stated perhaps a compromise could be reached on this issue. Mr. Ransdell gave an example of an industry moving to Aberdeen with 200 jobs, 200,000 square feet building, every side would have to be something besides metal – and it would discourage this business from coming to Aberdeen. Planning Director Liles stated if the building is industrial it can be approved, with the Board's approval. Planning Director Liles stated if more than 60% of the building is destroyed, then there are some hoops that would have to be jumped through in order to replace a metal building. Attorney Morphis stated as the ordinance is worded, metal buildings are not allowed in the historic district. Mr. Ransdell stated he has no problem with not allowing metal buildings in the historic district, but in other areas he is concerned about eliminating them. Mayor Mofield stated if this language were removed about the metal buildings, then there would be metal buildings all over Aberdeen. Mr. Ransdell stated perhaps wording could be used to allow higher quality metal buildings, rather than the lower quality buildings. Joe Dannelley stated Senior Planner Graham discussed this item at the last Planning Board meeting, and that the standard used for the new Dollar General could be used with 100% of any façade visible from the front, and 30% on each side not be metal façade. Ms. Peele suggested incorporating some type of required landscaping with metal buildings. Mr. Dannelley stated this situation should be monitored so that business is not lost to Aberdeen because of the overly restrictive ordinance.

Mr. Ransdell suggested the Town Board do some research on the standards in the metal building industry, and perhaps there could be some type of compromise reached on this issue. Mayor Mofield stated she thinks Aberdeen's standards are more lenient than surrounding municipalities. Mayor Mofield suggested Planning Board members express their concerns to Senior Planner Graham and see if some type of compromise could be reached on this issue. Commissioner Parker suggested the Planning Board members take a look at the building to the side of Davenport Galaxy when they leave, and see what metal buildings look like as they deteriorate.

Commissioner Parker asked what the standard is right now regarding metal buildings. Planning Director Liles stated there are 2 current standards. The requirement for 60 percent on the front and 25 percent would be eliminated with this proposed change. Mayor Pro-tem Farrell stated he would like to see 100% facade on the front, and at least some percentage on the sides. Ms. Peele stated if that is what the Planning Board had read, they would probably have breezed right through it, but that is not how the proposed amendment reads.

Planning Director Liles stated if the Board moves forward with the higher standards language to be presented tonight, that amendment will take care of inconsistencies in the code right now. Planning Director Liles stated that item can be approved the same night, April 9<sup>th</sup>, that the public hearing is held. Planning Director Liles stated that will take care of any immediate issue. Planning Director Liles stated Town staff will go through and tweak the front page of the amendment to read what the Boards would like to see. Commissioner Wright asked when that would be ready. Planning Director Liles stated it will be ready for the next Work Session. Mr. Ransdell stated he thinks this is a great opportunity for the Board to study this issue and come up with a progressive solution.

2. Unified Development Ordinance Amendment UDO #12-03 Regarding Window and Door Signs.

Planning Director Liles stated this is a clean-up item, since staff discovered that language regulating window signs for businesses was omitted from the adopted version of the UDO. Planning Director Liles stated basically the proposed language requires that no more than 25% of the area on interior window glass and interior door glass be covered with signs. Planning Director Liles stated this item will be scheduled for Public Hearing and New Business on 4/9/12. Commissioner McMurray brought up the safety issue with the Kangaroo Gas Station and all of the materials blocking the glass in the store. Agenda Item scheduled for Public Hearing and New Business on 4/9/12.

3. Unified Development Ordinance Amendment UDO #12-04 Regarding the Use of More Stringent Standard.

Planning Director Liles stated when the Dollar General problem was discovered, this language was drafted to say when two standards apply, then the more stringent standard will apply. Agenda Item scheduled for Public Hearing and New Business on 4/9/12.

4. Close-Out of FY 2008 CDBG Bethune Street Redevelopment Project.

Planning Director Liles stated Habitat for Humanity is holding their final open house tonight for the final home on Bethune Street. Planning Director Liles stated all that is left is to do the closeout public hearing. Mayor Pro-tem Farrell stated the homes look wonderful and it is really a plus for Aberdeen. Agenda Item scheduled for Public Hearing on 4/9/12.

5. CDBG Application for Small Business and Entrepreneurial Assistance.

Planning Director Liles stated this is an opportunity for the Town to work with local businesses. Planning Director Liles stated there are 2 businesses that have stepped forward. Brian's Barbershop wants to add a new chair, and John Davenport wants to open the grocery store back up. Pat Corso stated there is another grant option that Davenport could apply for – building reuse and restoration grant. Agenda Item scheduled for Public Hearing on 4/9/12.

Planning Director Liles mentioned the NC Catalyst grant opportunity and the challenges that have presented themselves. Planning Director Liles asked if the Board would be willing to hold a special called meeting to hold a public hearing for this item if it comes together. Planning Director Liles stated this grant opportunity would be for community redevelopment in the Broadway community including new homes by SCAP and Habitat as well as a greenway connection to the Elementary School. Planning Director Liles stated this issue will come back in the near future. Mayor Mofield stated the gentleman from Sandhills Gymnastics contacted her about the small business grant. Planning Director Liles stated materials were mailed to that gentleman, and he has not contacted the Town about the opportunity. Planning Director Liles stated financial records are needed, and the business has to have been in business for two years, and for every \$25,000 that is given to them with grant money they have to create one job.

Commissioner Wright asked about the status of the CVS. Planning Director Liles stated CVS will be located where Sizzling Steak and Eggs and Bonnie McPeake's property is located right now. Planning Director Liles stated this item will come back as a conditional use permit for review by the Town Board.

6. Typographical Error UDO #12-05.

Planning Director Liles stated this item is for information only. Planning Director Liles stated this will allow staff to correct a scrivener's error in the footnote for B-3 in the setback regulations.

7. Ordinance to Regulate Chickens Within the Town of Aberdeen Planning and Zoning Jurisdiction.

Planning Director Liles stated at the last meeting, the Board wanted to discuss this item further at the Work Session. Planning Director Liles explained section (G)(9) in the proposed ordinance. Attorney Morphis stated what would be most reasonable is to probably let the roosters live out their life. Commissioner Parker stated if there is a chicken that is illegal, then it becomes legal with this proposed ordinance.

Mayor Mofield asked if there was something in the ordinance that requires coops for chickens that lay eggs. Attorney Morphis stated Subsection 6 states chickens shall be kept in coops at night. Commissioner Wright confirmed that no action would be taken until a complaint is filed.

A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to approve with amendment of reference to UDO penalties chapter. Commissioner Parker opposed the motion, and motion carried 4-1.

A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to conclude the above described amendment is not inconsistent with the Town of Aberdeen 2030

Comprehensive Land Development Plan and that it is reasonable and in the public interest. Motion carried 4-1, with Commissioner Parker opposing.

8. A Resolution Exempting Engineering Work from the Requirements of N.C. General Statute 143-64.31.

Planning Director Liles stated basically the Town is seeking to maintain readiness in the event of a natural disaster that may affect Aberdeen and a debris management site should be selected and available for clean-up activities following an event. Planning Director Liles stated the Town would like to use a licensed engineer to prepare a SECP for submittal to NC DENR as part of the Division of Waste Management permit application and the price would be less than \$30,000. Planning Director Liles stated NC General Statute 143-64.32 authorizes the exemption of any engineering project where the professional fee is estimated to be less than \$30,000 from the requirements of NC General Statute Chapter 143, Article 3D. By selecting an engineer and getting a plan prepared, Planning Director Liles felt this would help the Town get a handle on emergency situations. A motion was made by Commissioner Parker, seconded by Commissioner Wright, to approve the Resolution Exempting Engineering Work from the Requirements of N.C. General Statute 143-64.31. Motion unanimously carried.

9. An Ordinance to Amend the Aberdeen Code of Ordinances to Adopt the Gross Receipts Method of Privilege License Taxation.

Manager Zell stated this is the item the Board has been discussing for the past three years. Manager Zell stated the \$.50 multiplier is basically pretty much an average multiplier to use for gross receipts. Manager Zell stated he anticipates this will triple the revenue from business licenses/gross receipts. Commissioner Wright asked if businesses will get advance notice. Manager Zell stated that is the reason for the big push to pass this item now, so that businesses will have sufficient notice before the gross receipts will be due. Mayor Pro-tem Farrell asked when it would be effective. Manager Zell stated July 1, 2012 would be the effective date for gross receipts. A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approve an Ordinance to Amend the Aberdeen Code of Ordinances to Adopt the Gross Receipts Method of Privilege License Taxation. Motion unanimously carried.

10. Resolution for Memorial Dedication.

Manager Zell stated this item came from Senator Harris Blake, and the memorial dedication will be on April 7<sup>th</sup> at the courthouse in Carthage at 11:00 a.m. Manager Zell stated the program will move out to the airport for the memorial program. Mayor Pro-tem Farrell stated he will be present for the program.

Planning Director Liles suggested tweaking the last paragraph and strike Moore County and put in Aberdeen. A motion was made by Mayor Pro-tem Farrell, seconded by Commissioner McMurray, to approve the resolution as amended. Motion unanimously carried.

11. Other Business

a. Master Sign Plan

Planning Director Liles stated Glen Nocik photo-shopped in how some of these signs would look in real life setting. Planning Director Liles displayed some photos of potential signs for the Board's review. Planning Director Liles stated visitors are often not familiar with the fact there is a downtown area in Aberdeen, and these signs will assist in moving people around. Planning Director Liles stated these signs are to get people to particular destinations. Planning Director Liles stated there is a little bit of money set aside to do some signage in the remaining budget year. Mayor Mofield requested that historic be removed from the downtown part on the signage. Mayor Mofield asked why the Town seal was not used on the welcome to Aberdeen sign. Mayor Mofield stated she thinks the Town seal should be included on Aberdeen stationary, etc. Pat Corso stated the Village of Pinehurst is doing the same thing towards working on a brand. Mr. Corso recommended the Board see what the Village of Pinehurst is working on, just to see what their signs look like.

Planning Director Liles stated she will talk with Glen Nocik about adding the Town seal to the welcome to Aberdeen signs. Mayor Pro-tem Farrell recommended putting the town seal on the left, and the brand on the right. Manager Zell confirmed that Mayor Mofield wanted the seal on the welcome to Aberdeen signs, and then use the brand on the downtown directional signs. Planning Director Liles stated she would recommend all the signs be similar in appearance or else there could be a disconnect between the welcome signs and the directional signs. The Board preferred a vertical monument sign for the welcome to Aberdeen signs. Planning Director Liles stated she will bring some designs back to the Board for review.

b. Manager Zell stated he, Mayor Pro-tem Farrell, and Planning Director Liles met with Jim Dougherty the other day regarding RLUAC – and Mr. Dougherty is requesting for the Board to reappoint an official Town representative, or appoint someone new to the committee. The Board was in agreement that Manager Zell has done a wonderful job representing the Town and it would be a good idea to reappoint him. A motion was made by Commissioner Parker, seconded by Commissioner Wright, to reappoint Bill Zell to the RLUAC committee as the Town of Aberdeen representative. Motion unanimously carried.

12. Closed Session pursuant to N.C.G.S. 143-318.11(a) (3) to consult with the Town attorney in order to preserve the attorney-client privilege. During closed session, the Board may consider

advice from and give instructions to the Town Attorney with regard to two pending lawsuits, *Legacy Links Golf Limited Partnership v. Town of Aberdeen* and *Town of Aberdeen v. NC Department of Transportation and Adams Outdoor Advertising*.

A motion was made by Commissioner Parker, seconded by Commissioner McMurray, to go into Closed Session pursuant to N.C.G.S. 143-318.11(a) (3) to consult with the Town attorney in order to preserve the attorney-client privilege. During closed session, the Board may consider advice from and give instructions to the Town Attorney with regard to two pending lawsuits, *Legacy Links Golf Limited Partnership v. Town of Aberdeen* and *Town of Aberdeen v. NC Department of Transportation and Adams Outdoor Advertising*. Motion unanimously carried.

A motion was made by Commissioner Parker, seconded by Mayor Pro-tem Farrell to open regular session. Motion unanimously carried.

Attorney Morphis announced that during Closed Session, the Town Board approved the following mediated agreement with Legacy Links Golf Limited Partnership:

The effective dates of the Annexation for the various Annexation Areas shall be as follows:

- The effective date of annexation for Annexation Area P shall be June 1, 2012;
- The effective date of annexation for Annexation Area J-K shall be June 30, 2015; and
- The effective date of annexation for Annexation Areas F, G, H, I, L, M, N and O shall be June 30, 2018.

Manager Zell informed the Board that the mediation agreement for the ETJ with the Town of Pinebluff was signed.

13. Adjournment.

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

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Regina M. Rosy, Town Clerk

Minutes were completed in  
Draft form on March 29, 2012

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Elizabeth B. Mofield, Mayor

Minutes were adopted  
on April 9, 2012