

Minutes
Work Session
Aberdeen Town Board

May 2, 2013
Thursday, 5:30 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Thursday, May 2, 2013 at 5:30 p.m. for the Work Session. Members present were Mayor Pro-tem Robert A. Farrell and Commissioners Pat Ann McMurray, Alan Parker, and Walter Wright. Mayor Elizabeth B. Mofield and Commissioner Jim Thomas were not in attendance for the meeting. Staff members in attendance were Planning Director Kathy Liles, Senior Planner Pam Graham, Assistant Public Works Director Harold Watts, Town Manager Bill Zell, Fire Chief Phillip Richardson, and Town Clerk Regina Rosy. Attorney T.C. Morphis, Tim Marcham and Don Longstreet were also in attendance for the meeting.

Mayor Pro-tem Farrell called the meeting to order at 5:38 p.m.

1. Aberdeen Rescue Squad Truck and Equipment.

Fire Chief Richardson stated due to insufficient space at the Fire Department, he put out some feelers about selling the truck. The Hamlet Town Board met last night and is very interested in buying the truck at a price of \$75,000. Mayor Pro-tem Farrell confirmed the Town does not need this truck. Chief Richardson stated the truck is in excellent condition, the Fire Dept. just does not need the additional truck at this time. Manager Zell stated the Board has to declare Truck #405 surplus before it can be sold. A motion was made by Commissioner Parker, seconded by Commissioner Wright, to declare Truck #405 as surplus equipment. Motion unanimously carried.

2. Informal Bid Results for Wayfinding Signs.

Planning Director Liles stated Phase I of the plan is in the Board's packet. Planning Director Liles stated informal bids were requested and the informal bids came in even higher than preliminary estimates. American Classic Signs provided the lowest cost for trailblazing, wayfinding and gateway signs. In the course of pricing out signs, questions have been raised by the provider of the pre-identified breakaway system if their Transpo system can be used with aluminum sign posts. Planning Director Liles stated NCDOT determined that the Federal Highway Administration dictates the breakaway standards for the roads in question, and the FHA would either have to give a letter of concurrence or crash tests would have to be conducted. Planning Director Liles stated other breakaway systems are being investigated at this point that are authorized in NC. Planning Director Liles stated a minimal starting point for installing signage would be to ensure drivers on US Highway 1 are aware of where downtown is located, and this would require 3 trailblazing

signs along the highway. If American Classic Signs is selected, the estimated cost would be \$9,804 plus tax.

Planning Director Liles stated staff can investigate another breakaway system, and bring back that information to the Board. Planning Director Liles stated she will e-mail Leigh and see what the status is for the sign at Aberdeen Lake Park. Manager Zell displayed a potential sign for Aberdeen Lake Park. Commissioner McMurray stated she would prefer a sign that information could be displayed on regarding events taking place at Aberdeen Lake Park.

3. Zoning Requirements for Roadside Stands.

Planning Director Liles stated this question was brought to Town staff from Mr. Marcel Goneau and he wanted to know where the Table of Permissible Uses provides for roadside stands. Planning Director Liles stated in 2007, under the old zoning code, the Board authorized roadside stands subject to conditions. Staff contacted the Brough Law Firm to determine if the requirement for a Special Use in the Table of Uses was a scrivener's error. Mr. Goneau has requested that the Board consider if this was scrivener's error, and if so, direct staff to correct the table of uses. If the Board determines that it was intentional to require a Special Use Permit in the B-3 and C-I districts, then Mr. Goneau may apply for a special use permit or make a formal request to amend the UDO.

Attorney Morphis stated he is not convinced this is a scrivener's error. Commissioner Parker stated he is not in favor of changing the table of uses. Commissioner Wright asked Planning staff what their suggestion is. Planning Director Liles stated her recommendation would be a zoning permit. Commissioner McMurray was supportive of changing the table of permissible uses and changing the S to a Z. Commissioners McMurray and Wright stated their feelings are the department should handle issues such as this, and not bring this type of item to the Board. Planning Director Liles recommended a legal notice be put in the Sunday paper for a public hearing on 5/16/13 on this issue. Agenda Item scheduled for Public Hearing on 5/16/13.

4. An Ordinance Approving a Conditional Zoning District for the Property Located at Oak Tree Village Apartments (Moore County PIN #857018321225; Parcel ID 10001611).

Planning Director Liles stated a public hearing was held at the last meeting. Planning Director Liles stated this item could be considered for approval tonight. Commissioner McMurray stated she is concerned about safety at the backdoor of this unit he plans to build. Mr. Longstreet stated he is inside of the zoning. Mr. Longstreet stated he is planning to install Leland cypress trees to create a dense wall as a buffer. Commissioner McMurray suggested a fence. Mr. Longstreet stated a fence would be much cheaper for him to put up,

but it would not be as aesthetically pleasing – and he prefers landscaping rather than a fence.

Mayor Pro-tem Farrell stated this is the only space left for building on this property.

A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approve an Ordinance Approving a Conditional Zoning District for the Property Located at Oak Tree Village Apartments (Moore County PIN #857018321225; Parcel ID 10001611). Motion carried 3-1, opposed by Commissioner Parker.

5. An Ordinance Amending the Aberdeen Town Code to Reference the Civil Penalties for Unpaid Taxes as Provided in Section 110.48(A).

Attorney Morphis stated he and Planning staff have a list of about a dozen amendments to the Code of Ordinances. Attorney Morphis stated this is a minor technical amendment to the Code of Ordinances Section 10.98. If adopted the amendment would clarify that the general \$50 civil penalty requirement does not apply to a failure to pay a business privilege license tax. Commissioner Wright pointed out that there was a typo on the ordinance – ten is misspelled as then.

Attorney Morphis stated a vote would need to be taken by the Board on this amendment. A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approve an Ordinance Amending the Aberdeen Town Code to Reference the Civil Penalties for Unpaid Taxes as Provided in Section 110.48(A). Motion unanimously carried.

6. Town Sponsorship of Spring Spree 2013.

Planner Graham stated the 2nd annual Spring Spree within a three-year period will be held on June 1, 2013 from 10:00 a.m. – 4:00 p.m. Planner Graham stated the Business Guild has lost some energy and does not have as much participation. Planner Graham stated in order for this event to move forward, the Town will need to sponsor the event this year. Planner Graham stated she and Planning Director Liles and Planner Kim are basically organizing this event.

Planner Graham stated Board authorization would be needed to sponsor this event and also for road closures during the event. Planner Graham stated volunteers will be needed and Habitat for Humanity has agreed to provide volunteers. Star 102.5 has extended some reduced advertising rates and also live broadcasting from the event.

Commissioner McMurray stated the Business Guild had agreed to do t-shirts for the event – and she is opposed to the businesses getting free advertisement on the t-shirts when Aberdeen is sponsoring the event. Attorney Morphis stated the Board needs to authorize Manager Zell to execute contracts for the Spring Spree event.

Planning Director Liles stated in the past 4-5 years, the Business Guild has ran off of the most contributing members at the table. Planning Director Liles stated if the Spring Spree was a failure again, then it would be very difficult to get businesses to participate in this event another year. Commissioner McMurray expressed concern about the Town becoming too involved in the Spring Spree. Senior Planner Graham stated the Business Guild will be providing some assistance with expenses for this event.

A motion was made by Commissioner McMurray, seconded by Commissioner Wright, to authorize sponsorship for the Spring Spree event on 6/1/2013, and authorize the Town Manager to execute contracts for the Spring Spree event. Motion unanimously carried.

7. Traffic Pattern on Knight, Sycamore and Maple Streets.

Manager Zell drew a map on the whiteboard of the streets in question. Manager Zell suggested making Knight Street one way to the railroad track.

Commissioner Parker stated his recommendation is making Sycamore St, Maple St., and Knight St. all one way. Maple – one way from Poplar to Bethesda going up the hill.

Mayor Pro-tem Farrell suggested perhaps having a community meeting with the public to get their input on going in the direction of one-way streets.

Attorney Morphis suggested setting a time in the future for implementation so that Public Works has time to stripe the road, etc. Planner Graham stated this is a good problem to have, since the traffic means business is good in the downtown area.

Mayor Pro-tem Farrell suggested producing a good map with arrows showing the suggestion for improvement, and get suggestions from local business owners.

8. CDBG Status Reports.

Planning Director Liles stated the TECBG is now complete and the closeout is done. Planning Director Liles stated for the Midway Gardens project – a public hearing was conducted on 4/22/13, and once minutes are approved, then the project can move forward. SBEA Grant – on schedule completely, John Davenport has expended about 99% of his money. Brian is not as far along with his business yet. Those updates will take care of commerce updates for this meeting.

9. Update on Smart Fusion Software.

Assistant Public Works Director Harold Watts stated the software has been installed on the new server, and data migration is taking place at this time. Some minor

discrepancies were discovered, and the software vendor is going to go back and correct those discrepancies.

10. Public Works Career Development Program.

Assistant Public Works Director Harold Watts stated since he has been employed, he has seen the need for a Career Development Program for the Public Works staff. This Career Development Program allows an opportunity for Public Works staff to enhance their skills. The Board recommended waiting to take action when there is a full Board in attendance since salary is involved. Agenda Item scheduled for next Work Session.

11. Other Business.

a. Fundraiser for Bryan Lett.

Manager Zell stated Police Chief Mike Connor has recommended having a Shagfest fundraiser in August. Manager Zell stated he is requesting the Board to approve a fundraiser at Aberdeen Lake Park since Bryan Lett is one of our own and is fighting terminal cancer. The event would be on August 25, 2013. Mayor Pro-tem Farrell was concerned about setting a precedent by allowing this fundraiser, since citizens are not allowed to have fundraisers at Aberdeen Lake Park. Attorney Morphis stated the policy is not based on law, it is based on use. Attorney Morphis stated the Board has the authority to do this type of thing on a case by case basis, but he thinks it is fine to just keep the term "fundraiser" in the title of the event. Attorney Morphis stated he would have some heartburn about the liability to the Town if alcohol were offered at this event. Mayor Pro-tem Farrell was concerned about setting a precedent for fundraisers. Manager Zell asked what the original concern was for having fundraisers at Aberdeen Lake Park. Attorney Morphis stated the concern was being overwhelmed with requests for fundraising rentals. The determination was made that perhaps fundraisers could be held outside of the building on the grounds, just not in the building. Attorney Morphis stated he and Leigh will work on the policy for rental of the building/picnic shelter and bring back to the Board.

Commissioner Parker stated he thinks this event needs to be approved, and then the policy can be cleaned up later.

A motion was made by Commissioner Parker, seconded by Commissioner McMurray, to authorize the Town Manager to enter into a contract with the Band of Oz or other band at the Manager's discretion for the Shagfest not to exceed \$3,000. Motion unanimously carried.

b. Plantings for Aberdeen Lake Park.

Manager Zell stated apparently the Board had wanted plantings along the railroad rails fence posts at the Lake Park. Planner Graham developed a plan for the plantings and a cost which is \$1,012. It was determined that the cost may be even lower since it will not be rail to rail. Commissioner Parker suggested waiting to get the Mayor's opinion on the plantings, since this was her idea.

c. Police Chief search.

Manager Zell stated 67 applications were received. Manager Zell stated he and Regina had narrowed down to 15 candidates. Manager Zell stated next Tuesday, Wednesday, and Thursday – telephone interviews will be held with the final 15 candidates. Then the final 7-8 candidates will be invited to the assessment center for further assessment.

d. Proclamation for Kingswood Nursing Home.

Manager Zell stated there will be an event on May 13th at 1:30 p.m. at Kingswood Nursing Home and they would like for this proclamation to be considered.

e. Budget Work Sessions.

Tuesday, May 7th and Thursday, May 9th at 5:30 p.m.

f. Letter from Ms. Shaw.

Attorney Morphis stated our current tree ordinance is permit driven. There is a house beside Pinehill Apartments and a gentleman has been cutting down trees along the property. As far as utility corridor cuttings – Attorney Morphis stated he had a long discussion with the city attorney in Greensboro and Duke Energy has come to the table with Greensboro and begun working on a tree ordinance and creating voluntary restrictions. Attorney Morphis stated the Town can issue a stop work order on tree cutting also. Commissioner Parker stated his problem is that the issue normally doesn't come up until after a bunch of trees have been cut down, and then the damage has already been done. Mayor Pro-tem Farrell stated Ms. Shaw is asking for relief from the Town with her issue. Planning Director Liles stated Ms. Shaw has been notified of the Town's position, and she is not content with the Town's position. Commissioner Parker suggested the Town determine if HUD is involved, and notifying Ms. Shaw of who to contact. Attorney Morphis stated he will research the issue and make sure Ms. Shaw is contacted.

g. Midway Gardens Budget Amendment.

Planning Director Liles asked for a motion to submit the budget revision for the Midway Gardens to Commerce. A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approve the Midway Gardens Budget Amendment. Motion unanimously carried.

12. Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to consult with attorney to preserve the attorney-client privilege and N.C.G.S. 143-318.11(a) (6) to consider the qualifications, competence, performance, and conditions of appointment of a public officer or employee.

A motion was made by Commissioner Parker, seconded by Commissioner Wright, to go into Closed Session. Motion unanimously carried.

The Board returned from Closed Session.

13. Adjournment.

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to adjourn the meeting. Motion unanimously carried.

Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on May 2, 2013

Robert A. Farrell, Mayor Pro-tem

Minutes were approved
on June 10, 2013