

Minutes
Regular Board Meeting
Aberdeen Town Board

May 23, 2016
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, May 23, 2016 at 6:00 p.m. for the Regular Board Meeting. Members present were Mayor Robert A. Farrell, Mayor Pro-tem Jim Thomas, and Commissioners Ken Byrd, Buck Mims, Joe Dannelley, and Elease Goodwin. Staff members in attendance were Planning Director Pam Graham, Planner Daniel Martin, Town Manager Bill Zell, Finance Officer Beth Wentland, Police Chief Tim Wenzel, Public Works Director Rickie Monroe, Josh Kirk, Todd Weaver, Carl Colasacco, Gary Blue, Phillip Richardson, and Town Clerk Regina Rosy. Reporter for The Pilot Laura Douglass and approximately 13 other citizens were also in attendance for the meeting.

1. Call to Order

Mayor Farrell called the meeting to order at 6:00 p.m.

a. Pledge of Allegiance.

Mayor Farrell asked everyone to please stand for the Pledge of Allegiance.

2. Setting of the Agenda

Manager Zell asked for Item 7b to be added to the agenda for the sewer impact fee request for the Academy of Moore County. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin, to approve the setting of the agenda as amended. Motion unanimously carried 5-0.

3. 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.

- a. Minutes of Closed Session on March 28, 2016, Closed Session on April 11, 2016, Board Meeting on March 25, 2016, Closed Session on March 25, 2016, Work Session on May 9, 2016, and Closed Session on May 9, 2016.

A motion was made by Commissioner Byrd, seconded by Commissioner Mims, to approve the consent agenda as presented. Motion unanimously carried 5-0.

4. Informal Discussion and Public Comment

a. Commissioner Byrd commended the staff for the great job on the Spring Spree. Mayor Farrell stated it was a wonderful event. Director Graham stated the Business Guild stepped up and did a great job with the children's area.

b. Ron Utley stated he is here about the Howell property. Mr. Utley stated he thought the agreement for the conditional zoning would involve some type of buffer and screening to protect the property owners. Mr. Utley stated he has been watching this project from the beginning to the end, and he has visited the Planning Department multiple times, but it is still not there. Mr. Utley stated he does not have the "quiet enjoyment" he thought he was going to get out of this project. Director Graham stated the project is complete as approved according to the plan. Director Graham stated there is an enormous stormwater pond that is located between Mr. Howell's business operation and Mr. Utley's property. Director Graham stated Mr. Howell is compliant with what was approved. Mayor Farrell asked if the berm has been built. Director Graham stated the berm has been completed per the plan. Mayor Farrell asked if Director Graham can touch base with Mr. Howell on the remains of the trees that were removed when the berm was built and see if that pile of removed trees could be taken care of. Commissioner Mims asked exactly what violation is taking place. Mr. Utley stated work activity is taking place within the 80 ft. buffer area.

c. Mayor Farrell gave a brief description of an article in The Pilot about the history of the Page Family and Aberdeen.

5. Financial Report

Manager Zell stated for the General Fund as you can see we are \$557,673, above expenses through April receipts. Under the noteworthy revenues we had our sales tax and hold harmless receipts of \$119,441, which were the receipts for the month of March. Manager Zell stated R&P tax receipts are dwindling as the year progresses. For March we received only \$38,389.

Manager Zell stated for the Water and Sewer Fund, because April wasn't a billing month, we are back in red figures to the tune of \$162,947 through the end of

April, but May and July receipts will be included in this fiscal year numbers. So for the year we will show positive growth.

Manager Zell stated at the back of the financial report you'll find several graphs that Finance Officer Beth Wentland has put together for three individual revenue streams. The first graph shows the largest revenue which is the real and personal taxes, where you can see a comparison of this fiscal year versus last fiscal year. For the July through April receipts we are \$207,702 ahead of last year's collections and have collected 105% of what we budgeted for this year. The second set of graphs shows the sales tax and hold harmless receipts comparing the period of July through March. For sales tax and hold harmless collections through March we are \$59,745 ahead of last year's collections for the same period and we are 6.27% ahead of our current year budgeted numbers. The third set of graphs represents the collection of utilities franchise and video sales tax receipts. This revenue is paid quarterly and as mentioned last month we are \$65,796 ahead of receipts received for the same period last year, and we won't receive our last quarterly payment until the first of July.

Manager Zell stated Finance Officer Wentland has put together three excel spreadsheets comparing vehicle maintenance costs, equipment maintenance costs, and fuel costs between this fiscal year and last fiscal year. On the first set of spreadsheets showing our vehicle maintenance costs you can see we've spent about \$17,000 more this fiscal year as we did for the same period last year. Now not only has Sanitation had a bad year but the Police Department is 66% ahead of last year's spending. The second set of spreadsheets shows equipment maintenance costs, where we've spent \$15,237 less in the first ten months of this fiscal year. It seems that our equipment is holding up better than our vehicles this year. On our last set of spreadsheets showing our fuel costs, where we have significantly less expenditures this fiscal year even though fuel prices have risen recently. In fact we've spent 68.65% of what we spent through the same period last year. In actual dollars we've spent \$47,900 less than last year through the end of April.

There were no questions from Board members.

6. Public Hearings and New Business

- a. Public Hearing and Budget Message for Fiscal Year 2016-2017 Budget.

Mayor Farrell opened the public hearing for the Fiscal Year 2016-2017 Budget.

Manager Zell stated over the past year and a half the Board of Commissioners and his staff have developed a strategic plan that will give purpose to what we do and the decisions we make and it all starts with the vision statement. "As the Town of Aberdeen grows, we will retain our unique history and character and provide the services and amenities to continuously enhance the quality of life for our citizens." The plan has six specific Goals or focus areas, and several objectives under each. With this budget our objective is to move toward the achievement of these goals and to work within their scope.

Manager Zell stated the General Fund highlights are as follows: We are recommending a 4 cent tax rate increase, where each penny of tax will represent \$77,420 at a 98% collection rate, 2% COLA for all employees, medical insurance, which only increased 3.5%, there are several capital expenditures and it's all based on our new Town valuation of \$790 million.

Manager Zell displayed a chart that gives an idea of the growth Aberdeen has experienced for the past 14 years. Manager Zell stated the valuation has grown 259%.

Manager Zell stated our employees are the backbone of all that we do and accomplish day in and day out and this budget is recommending that we maintain the high quality benefits it takes to retain and hire the quality individuals that everyone wants to have work for them. For the public sector it's these benefits that allow us to compete with the private sector and other local governments for the brightest and best employees.

Manager Zell displayed a chart that shows the cost of our medical insurance per employee for the past 14 years. Manager Zell stated he is recommending \$382 per employee per month for next fiscal year, and to put that into perspective the cost per employee per month in his very first budget in 2004 was \$368. Manager Zell stated we have been able to offer excellent medical coverage at an excellent cost.

Manager Zell stated the capital items that we're recommending are the following: new financial, billing, HR and planning software, police vehicle take home program, fire squad 41 vehicle, wayfinding signs, downtown master plan design, playground equipment replacement, engineering and design for trail repairs, repairs to the Recreation Station Building, dump truck, crew cab pickup truck, and a new roof on the Finance Building.

Manager Zell stated over the past few years our revenues have fallen due to new legislation from the state and cellular contracts have been consolidated. Moore County is now charging the Town for limbs and yard debris, and starting in July will charge the Town for the recyclables that we are bringing there. Not to mention that in addition to these the cost of doing business continues to climb. This is why we are recommending the 4 cent tax increase. The percentages of the R&P presented are based on the 4 cent tax increase. As you can also see these two categories represent over 78% of all our general fund revenue. Manager Zell stated the last chart shows the breakdown of how our revenue is divided. Our Police and Fire budgets represent over 48% of our General Fund budget.

Manager Zell stated for the Water & Sewer Fund, we will be continuing the bulk water sales to Moore County where they guarantee the purchase of 230,000 gallons per day. We will continue working on Wells 26, 27 and 28 to get them up and running on our system.

Manager Zell stated for Capital Expenditures in our Water & Sewer function we are recommending expenditures for the maintenance of our elevated tanks. This year we have added tank #5, since it is now 10 years old. There are also dollars in this budget for the repairs and expansion of both water and sewer lines, and finally for a new F550 pickup truck to pull the heavy equipment all over town.

Manager Zell stated we are recommending a 5% increase in our water and sewer rates which will be effective at the September billing cycle.

Manager Zell stated he would like to thank the Board of Commissioners and his staff for all their hard work on bringing this budget to fruition.

Mayor Farrell thanked Manager Zell and all of his staff for the hard work spent on the budget preparation. Mayor Farrell stated this process began in February, and a lot of work has gone into this budget. Mayor Farrell stated Aberdeen has grown from 3 police officers to 27 police officers, population size 1,500 to population size 7,500. Mayor Farrell stated he has been on this Board since 1999, and taxes have not been raised since that time. Mayor Farrell stated the increase in taxes is needed to maintain the level of services that are provided.

With no further discussion, Mayor Farrell closed the public hearing on the Budget for Fiscal Year 2016-2017.

b. Consider action on Budget Ordinance for Fiscal Year 2016-2017.

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Goodwin, to approve the Manager's proposal for the Budget Ordinance for Fiscal Year 2016-2017 as written. Commissioner Mims asked if the AMI project is included. Manager Zell stated the AMI project has been removed. Commissioner Mims pointed out the debt service over the past 5 years and how it has increased each year, which he feels is heading in the wrong direction. Mayor Farrell stated the debt service includes the Recreation Building, fire truck, etc. Commissioner Dannelley thanked Manager Zell and his staff for their time on this budget. Commissioner Dannelley stated he spent an hour with each department head and every one of them have requested true needs to move our Town forward. Commissioner Dannelley stated there is a task at hand to get the debt service under control. Commissioner Dannelley stated moving forward, he would like the Town to develop a capital improvement plan to move the Town forward. Commissioner Mims stated each Board member should vote for what the people would want, and not personal opinions. Mayor Pro-tem Thomas stated originally he was a big proponent for the AMI system, but now he is thinking maybe there will be a better time to look at it again in the future. Motion carried 4-1, with Commissioner Mims voting no.

c. Continued Public Hearing for Conditional Use Permit #16-03 for a Major Subdivision submitted by Habitat for Humanity of the NC Sandhills.

Mayor Farrell opened the Public Hearing for Conditional Use Permit #16-03 for a Major Subdivision submitted by Habitat for Humanity of the NC Sandhills.

Director Graham stated this is a continuation from a previous public hearing. Public Works Director Rickie Monroe stated about 30 days ago he was given the task of looking at Thomas Avenue, to see if there is a way to widen the street. Director Monroe stated tomorrow the road will be swept to see how much more asphalt is available than what is visible. Director Monroe stated there is a lot more involved than just widening the street, there are electric poles in the way, Time Warner Cable pedestal in the way, Windstream equipment in the way, etc. Director Monroe stated if he has a little more time, he thinks he can work something out. Director Monroe stated he is also working on another way out of the neighborhood. Commissioner Byrd asked how much more time does Director Monroe need. Director Monroe stated he needs at least another 30 days, but he does not think it should hold up the Habitat project. Director Monroe stated he needs to talk to a few more residents, but then he would like to do the survey work needed. Commissioner Byrd recommended Director Monroe come back at the August Work session to give the Board members an update on where he is at.

Mayor Farrell asked about the cul-de-sac and if that would allow enough room for school buses, and fire trucks to turn around. Mr. Lester stated the cul-de-sac would allow for sufficient room for school buses and fire trucks to turn around – and it will actually improve the access by providing an area for those turn arounds to occur.

Town Clerk Regina Rosy provided the oath of affirmation for Ron Utley. Mr. Utley stated maybe Habitat should reduce the number of houses to be developed from 9 to 5 to allow more room for infrastructure. Mr. Utley recommended the vote be delayed until Director Monroe's assessment is complete.

Director Graham stated 40% open space is being dedicated, which is well beyond the 20% requirement. Commissioner Mims stated he also asked Fire Chief Richardson, and he said there would be no problem with school buses and the ladder truck turning around.

Mayor Farrell asked who would pay for moving of the utility poles. Director Monroe stated he thinks it is worked out where it would not cost anything to move the poles.

Vanessa McNeill asked if it is still true what Ms. Garr said at the last Board Meeting about the homes being only one story to be built. Ms. Garr stated that is not a problem.

Doris Lee asked why the property to be built on could not be used to help widen the road, rather than use other people's property. Director Monroe stated he has already talked to Ms. Garr about that and he thinks they can work something out. Commissioner Byrd stated the Board is working on a solution for this problem.

Ron Utley asked how many vehicle trips per day would be created from this additional construction. Director Graham stated 90 vehicle trips per day is the estimate.

With no further discussion, Mayor Farrell closed the Public Hearing for Conditional Use Permit #16-03 for a Major Subdivision submitted by Habitat for Humanity of the NC Sandhills.

d. Consider action on Conditional Use Permit #16-03 for a Major Subdivision submitted by Habitat for Humanity of the NC Sandhills:

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that CU #16-03 is within the jurisdiction of the Town Board according to the Table of Permissible Uses. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that CU #16-03 is complete as submitted. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that CU #16-03 will comply with all requirements of the UDO. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that CU #16-03 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that CU #16-03 satisfies Finding #2: will not substantially injure the value of adjoining or abutting property. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that CU #16-03 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that CU #16-03 satisfies Finding #4: will be in general conformity with the Land Use Plan or other plans specifically adopted by the Board. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Byrd, that based on the findings of fact and the evidence presented, the Town Board issues approval with conditions of CU #16-03. Commissioner Byrd asked if the fence has been discussed by Habitat and if they are willing to install the fence – Ms. Garr stated she is willing to discuss it with the neighbors. Director Graham stated the additional amended condition #14 would read “that Habitat will consult with Gladys McNeill regarding the potential installation of a fence along the backside of the 4 houses to provide some privacy to those residents.” Commissioner Mims amended his motion to include the new condition #14. Motion was seconded by Commissioner Byrd. Motion unanimously carried 5-0.

e. **Public Hearing for UDO Text Amendment #16-04 Regarding Protest Petitions.**

Mayor Farrell opened the Public Hearing for UDO Text Amendment #16-04 Regarding Protest Petitions.

Director Graham stated this amendment was drafted to bring the Town into compliance with state statute requirements. The Planning Board recommended unanimously for approval. Mayor Farrell read the amendment to the public. “Written statements received from the public by the Town Clerk prior to a public hearing for a text or map amendment shall be provided to the Board of Commissioners. If the amendment combines a legislative rezoning with any other quasi-judicial matter such as a conditional use district rezoning or conditional use permit, only the names and addresses of the

commenters and not the substance may be provided to the Board prior to the hearing.”

With no further discussion, Mayor Farrell closed the Public Hearing for UDO Text Amendment #16-04 Regarding Protest Petitions.

f. Consider action on UDO Text Amendment #16-04 Regarding Protest Petitions.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that UDO #16-04 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that UDO #16-04 is reasonable and in the public interest. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that the Town Board of Commissioners approves the following amendment to the Town of Aberdeen UDO: Amend subsection 152-327 as indicated in the draft text amendment. Motion unanimously carried 5-0.

g. Public Hearing for UDO Text Amendment #16-05 Regarding Permit Choice.

Mayor Farrell opened the Public Hearing for UDO Text Amendment #16-05 Regarding Permit Choice.

Director Graham stated this came out of a new state law. Director Graham read the new language for this amendment. “If a permit applicant submits a permit application for any type of development under this Ordinance and any amendment is made to this ordinance changes between the time the permit application was submitted and a permit decision is made, the permit applicant may choose which version of the ordinance will apply to the permit.”

With no further discussion, Mayor Farrell closed the Public Hearing for UDO Text Amendment #16-05 Regarding Permit Choice.

h. Consider action on UDO Text Amendment #16-05 Regarding Permit Choice.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that UDO #16-05 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that UDO #16-05 is reasonable and in the public interest. Motion unanimously carried 5-0.

A motion was made by Commissioner Mims, seconded by Commissioner Goodwin, that the Town of Aberdeen Board of Commissioners approves the following amendment to the Town of Aberdeen UDO: Amend subsection 152-13 as indicated in the draft text amendment. Motion unanimously carried 5-0.

- i. Closeout Public Hearing for Berkley Sewer Improvement Project.

Mayor Farrell opened the Closeout Public Hearing for Berkley Sewer Improvement Project.

Bill Lester stated the purpose of this public hearing is to get any comments about the project before closeout. Mr. Lester stated at least 29 homes were served with this project, and the project can be successfully closed now. Mr. Lester stated the Town received an extension on the grant so that all of the monies could be spent. Mayor Farrell stated 7,000 additional feet of sewer lines are now available because of this grant.

With no further discussion, Mayor Farrell closed the Closeout Public Hearing for Berkley Sewer Improvement Project.

- j. Consider action to allow LKC Engineering staff to proceed in preparing the Close Out documentation for the Berkley Sewer Improvement Project and submit it to Commerce by the July 31st deadline.

A motion was made by Commissioner Dannelley, seconded by Commissioner Byrd, to allow LKC Engineering staff to proceed in preparing the Close Out documentation for the Berkley Sewer Improvement Project and submit it to Commerce by the July 31st deadline. Motion unanimously carried 5-0.

k. Closeout Public Hearing for 2012 Small Business and Entrepreneurial Assistance Program (SBEA) CDBG Program.

Mayor Farrell opened the Closeout Public Hearing for 2012 Small Business and Entrepreneurial Assistance Program (SBEA) CDBG Program.

Planner Daniel Martin stated this closeout public hearing is a requirement. The grant was awarded in March 2013, and assisted 2 local businesses – Meridian Zero Degrees and Specialized Services & Personnel. Planner Martin stated based on the dollar amount expended for the grant, 3 full-time jobs were created. Planner Martin stated under this grant, the Town also partnered with SCC Small Business Center to put on 14 seminars for business owners and entrepreneurs. Planner Martin stated the grant began with 4 businesses, and 2 dropped out, but it was still a success.

Mr. Utley asked for a line item detail of how the money was spent, under the Freedom of Information Act.

With no further discussion, Mayor Farrell closed the Closeout Public Hearing for 2012 Small Business and Entrepreneurial Assistance Program (SBEA) CDBG Program.

l. Consider action to allow staff to proceed in preparing the Close Out documentation for the 2012 SBEA CDBG Program and submit it to Commerce by the June 30th deadline.

A motion was made by Commissioner Dannelley, seconded by Commissioner Byrd, to allow staff to proceed in preparing the close out documentation for the 2012 SBEA CDBG Program and submit it to Commerce by the June 30th deadline. Motion unanimously carried 5-0.

m. Consider action on Contract to Audit Accounts for Fiscal Year 2015-2016.

Manager Zell stated this is normal operating procedure, and the audit contract has to be approved each year so that it can go to the LGC. A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to approve the contract to audit accounts for Fiscal Year 2015-2016. Motion unanimously carried 5-0.

n. Letter from NC State Treasurer's Office & the Town's Response Letter.

Manager Zell stated when the letter was received, he wanted to do some research and be able to give the Board a response before bringing this to their attention. Commissioner Mims asked how the LGC came to a decrease instead of an increase for Fund Balance. Manager Zell stated it had to do with two specific project funds – the Ray’s Mill Park capital project fund (receivable-\$219,500) and the Downtown SBEA grant project fund (receivable-\$17,733). Manager Zell stated the two amounts were recorded as year-end receivables, and these monies were received by the Town in July 2015, which would have resulted in a temporary decrease in reported available fund balance for the General Fund. Manager Zell stated the Town’s response letter should answer the question. Commissioner Dannelley asked when the letter from the Mayor should be sent out. Manager Zell stated tomorrow would be the plan. A motion was made by Commissioner Goodwin, seconded by Commissioner Byrd, to approve sending the drafted letter. Motion unanimously carried 5-0.

7. Other Business

a. Grants Update Presentation.

Planner Martin stated all grants are on schedule with an exception for the following two:
ITPP – Sewer Improvements
Building Reuse – Project Huggies

Planner Martin stated for the ITPP grant, 79 total jobs are required to be created, and only 55 have been created so far. And for the Building Reuse grant, 81 jobs are required to be created, and only 55 have been created so far. Planner Martin explained that if the additional jobs are not created, then grant monies will be due to be paid back. Commissioner Byrd recommended a letter be sent from the Town to let Pactiv know where the Town stands, since there is a \$130,000 liability to the Town if Pactiv does not follow through with the required job creation. Commissioner Mims stated the Town needs to set the expectation. Commissioner Dannelley stated he would recommend a draft letter from the Town Attorney come to the Board for the next Work Session for consideration.

b. Request for Sewer Impact Fee for Academy of Moore.

Manager Zell stated the Academy of Moore has made a formal request for the Town to waive their sewer impact fee if the Board would like

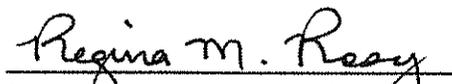
to consider Don Goulet, with the Academy of Moore, stated they are asking for assistance from the Town in connecting to sewer due to increased enrollment. Commissioner Byrd stated the new school year starts mid July and the goal is to have everything in place by the beginning of the new school year. Commissioner Dannelley asked what is being asked for here. Manager Zell stated \$3,250 is the sewer impact fee being asked for. Commissioner Dannelley stated he thought the Board was going to wait for a response on the pending court case before taking action. Mayor Farrell stated the Supreme Court case will probably not be determined until early summer. Commissioner Byrd asked if the Board can table the request, establish the tap, court case comes back in the fall and this is determined a non-issue, could the Town make the refund retroactive? Commissioner Mims suggested delaying the invoicing for the sewer impact fee until after the court case is complete. Mayor Farrell strongly urged the Board to get advice from the Town Attorney first before taking any action. Commissioner Byrd suggested the Town Manager and staff contact Attorney Morphis and get advice, so the Town can give a verbal agreement to the Academy of Moore about delaying the fee. A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to direct the Town Staff to contact Attorney Morphis and get a ruling on whether it is prudent for the Town of Aberdeen to hold in obedience the fee and allow the Academy of Moore to make their tap, and depending upon the ruling from the court case this fall, whether to retroactively have the Academy of Moore pay their sewer impact fee or ask the Town for a waiver of the fee. Motion unanimously carried 5-0.

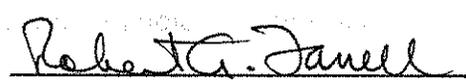
c. Board of Adjustment Meeting

Director Graham stated a Board of Adjustment item needs to be scheduled for a Special Called Meeting. The Board agreed to schedule 5:00 p.m. on Monday, June 13th for the Board of Adjustment meeting.

8. Adjournment

A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Dannelley, to adjourn the Board Meeting. Motion unanimously carried 5-0.


Regina M. Rosy, Town Clerk


Robert A. Farrell, Mayor

Minutes were completed in
Draft form on May 23, 2016

Minutes were approved
on June 27, 2016