

**Minutes
Regular Board Meeting
Aberdeen Town Board**

March 23, 2020
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met on Monday, March 23, 2020 for the Regular Board Meeting. Members present were Mayor Robert A. Farrell, Mayor Pro-tem Joe Dannelley and Commissioners Wilma Laney, Elease Goodwin, Teressa Beavers, and Bryan Bowles. Staff members in attendance were Planning Director Justin Westbrook, Police Chief Carl Colasacco, Town Manager Paul Sabiston, Finance Director Butch Watson, Interim Public Works Director Joe Wood, IT Support Specialist Dean Wrightson, and Town Clerk Regina Rosy. Reporter for The Pilot Laura Douglass was also in attendance for the meeting.

1. Call to Order

Mayor Farrell called the meeting to order at 6:04 p.m.

a. Pledge of Allegiance.

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

2. Setting of the Agenda

Manager Sabiston requested item 3g be added to the agenda which is Resolution #20-15 for appointment of a Finance Officer. Manager Sabiston also requested that an additional set of minutes be added to Item 3a which are the Closed Session minutes from February 10, 2020. A motion was made by Commissioner Bowles, 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. Consider approval of Minutes of Board Meeting on February 24, 2020 and Closed Session on February 10, 2020.

b. Consider approval of Resolution #20-10 to Accept Surety for Meadow Ridge Subdivision for an Undesignated Recreational Amenity in the amount of \$27,593.75.

- c. Consider approval of Resolution #20-11 to Release Surety for Legacy Lakes Phase 1 in the amount of \$332,857.50
- d. Consider approval of Resolution #20-12 to Accept Surety for Legacy Lakes Phase 1 in the amount of \$143,591.25.
- e. Consider approval of Resolution #20-13 to Release Surety for Sandy Springs for the 2nd entrance in the amount of \$158,018.56.
- f. Consider approval of Resolution #20-14 to Amend the Town of Aberdeen Personnel Policy related to Pandemic Leave Coverage.
- g. Consider approval of Resolution #20-15 to appoint a Finance Officer.
A motion was made by Commissioner Beavers, seconded by Commissioner Goodwin, to approve the consent agenda as presented. Motion unanimously carried 5-0.

4. Informal Discussion and Public Comment

- a. Request received from Zane Vogel.

Mayor Farrell stated he received an email from Zane Vogel who operates Spiritus Systems and he is requesting an exemption from the shelter-in-place order that the Governor has ordered to be effective on Wednesday. Mayor Farrell stated he will respond to Mr. Vogel and point him towards Moore County or the NC Chamber of Commerce to seek assistance with this matter. Manager Sabiston stated he will be glad to reach out to Mr. Vogel as well and let him know of resources available.

5. Manager's Report (Town Manager Paul Sabiston)

Manager Sabiston stated last Tuesday utility payments were no longer accepted in person and are instead paid electronically, drive-thru, or dropped off in the drop-box. On Wednesday last week the public buildings were closed to public access and all business is being conducted by phone and email. Manager Sabiston stated the planning side of the operation is still moving along well surprisingly. Manager Sabiston stated parks and greenways are still open and the public seems to be respectful of guidelines. Manager Sabiston stated he thinks the decision to have the Board Meeting tonight was a good decision so that business could be conducted and keep the meeting very short and to the point.

Manager Sabiston stated all work in-house has been completed for the FY 18-19 audit and now it's just a waiting game for the auditors to complete their work.

Mayor Farrell thanked Manager Sabiston and his staff for their hard work during this tough time.

6. Public Hearings and New Business

- a. Public Hearing for Conditional Zoning CZ 19-03 for a new mixed-use development between NC-5 & Roseland Rd, surrounding the new Aberdeen Elementary. The applicant is requesting to rezone three (3) parcels of approximately 214.9 acres from Residential (R-10, R-15 & R-20) to Planned Development (PD). The proposed zoning will allow for 38,000 square feet of office and retail, with approximately 515 homes.

Mayor Farrell opened the public hearing for Conditional Zoning CZ 19-03. A motion was made by Commissioner Bryan Bowles, seconded by Commissioner Beavers, to continue the public hearing to April 27, 2020 at 6:00 p.m. Motion unanimously carried 5-0.

- b. Consider approval of the updated Wellhead Protection Plan. (Interim Public Works Director Joe Wood)

Director Wood stated the 30-day public comment period has been completed. No comments from the public have been received. A motion was made by Mayor Pro-tem Dannelley, seconded by Commissioner Bowles, to approve the updated Wellhead Protection Plan. Mayor Pro-tem Dannelley confirmed the plan is active for 5 years. Director Wood stated that is correct. Motion unanimously carried 5-0.

- c. Consider authorization to post signs in Colonial Heights for no-through trucks. (Town Manager Paul Sabiston)

Manager Sabiston stated there is a growing concern about trucks cutting through from US Highway 1 to NC Hwy 5 or from NC Hwy 5 to Roseland Road. Manager Sabiston stated he has drafted specific language of which trucks are prohibited in an effort to protect the residential neighborhoods in that area.

Chief Colasacco stated the roads in question are not designed for commercial use. Chief Colasacco stated officers will start with issuing warning citations, but next step would be civil citations.

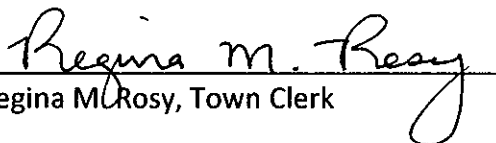
A motion was made by Commissioner Beavers, seconded by Commissioner Bowles, to approve the two recommendations in the staff memorandum. Motion unanimously carried 5-0.

7. Other Business

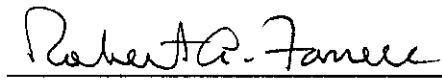
Mayor Farrell thanked Town staff for their work on the Aberdeen sign in the Bethesda area.

8. Adjournment

A motion was made by Commissioner Laney, seconded by Commissioner Goodwin, to adjourn the Board Meeting. Motion unanimously carried 5-0.


Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on March 23, 2020


Robert A. Farrell, Mayor

Minutes were approved
on April 27, 2020

**RESOLUTION #20-10 TO ACCEPT SURETY
FOR INFRASTRUCTURE IMPROVEMENTS**

Meadow Ridge – Undesignated Recreational Amenity

WHEREAS, A preliminary plat for Meadow Ridge was approved on August 12, 2013 by the Town of Aberdeen Board of Commissioners; and

WHEREAS, The Unified Development Ordinance (UDO) requires that a developer install the improvements specified within the UDO or guarantee their installation; and

WHEREAS, AJA Investments (the Developer) has submitted a final plat for approval for Meadow Ridge – Phase III containing twenty-seven (27) lots, as identified on the attached maps; and

WHEREAS, the Developer is required to install a recreational amenity prior to the release of the final plat for Meadow Ridge – Phase III; and

WHEREAS, the Regulations specify that surety must be posted at 1.25 times the estimated cost of construction of the proposed improvements; and

WHEREAS, the Developer intends to install or have installed the recreational amenity for Meadow Ridge as required by the Conditional Use; and

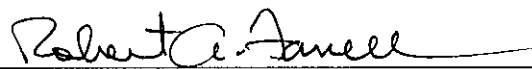
WHEREAS, the estimated cost of installing sidewalks is determined by the Developer's engineer to be \$19,152.00; and

WHEREAS, the amount of surety for sidewalks shall equal 1.25 times \$22,075.00 or \$27,593.75; and

WHEREAS, the Developer desires to provide surety in the total amount of \$27,593.75 pledged to the Town of Aberdeen for installation of a recreational amenity and that such surety may not be released unless and until confirmation of the installation is completed in full is approved based on confirmation that required recreational amenity is adequately guaranteed by a reduced surety;

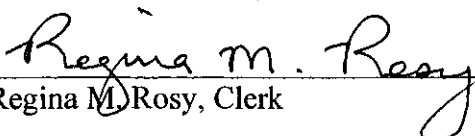
NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Aberdeen that a surety in the total amount of \$27,593.75 pledged to the Town of Aberdeen will be accepted as surety for completion of a recreational amenity for Meadow Ridge.

Adopted this the 23rd day of March, 2020.



Robert A. Farrell, Mayor

Attest:



Regina M. Rosy, Clerk

**RESOLUTION #20-11 TO RELEASE SURETY
FOR INFRASTRUCTURE IMPROVEMENTS**

Legacy Lakes Phase 1

WHEREAS, a preliminary plat for the Legacy Lakes Subdivision was approved on June 13th, 2005 by the Town of Aberdeen Board of Commissioners; and

WHEREAS, the Unified Development Ordinance (UDO) requires that a developer install the improvements specified within the UDO or guarantee their installation; and

WHEREAS, MFV-FC Portfolio, LLC (the Developer) received approval of a final plat for Phase 1 containing two hundred thirty (230) single family lots; and

WHEREAS, the Regulations specify that surety must be posted at 1.25 times the estimated cost of construction of any and all proposed improvements not complete at the time of presentation of a final plat for approval; and

WHEREAS, the total estimated cost of completing improvements for Phase 1 of the Legacy Lakes subdivision at the time of final plat approval was \$503,181.13; and

WHEREAS, the Developer provided surety in an amount equal to 1.25 times \$503,181.13, or \$628,976.41, at the time of final plat approval to guarantee all improvements for Phase 1 of the development; and

WHEREAS, the Developer was permitted to post surety in the form of nine (9) bonds in the total amount of \$628,976.41 pledged to the Town of Aberdeen for the completion of Phase 1 improvements with the provision that such surety may be released upon confirmation of improvement completion or may be released in part based on confirmation that remaining improvements are adequately guaranteed by a reduced surety; and

WHEREAS, the Developer requested on October 10th, 2017 the nine (9) bonds be release in the amount of \$628,976.41, having met in part the guarantee obligations; and

WHEREAS, the Developer requested on October 10th, 2017 the acceptance of two (2) bonds in the reduced amount of \$332,857.50, having met in part the guarantee obligations; and

WHEREAS, the Developer, having met, in part, the obligations guaranteed by the surety, requests release of two (2) bonds in the amount of \$332,857.50 for a portion on the attached Engineers Cost Estimate; and

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Aberdeen that the Board shall release the bonds in question in the amount of \$332,857.50.

Adopted this the 23rd day of March, 2020.

Robert A. Farrell
Robert A. Farrell, Mayor

Attest:

Regina M. Rosy
Regina M. Rosy, Clerk

**RESOLUTION #20-12 TO ACCEPT SURETY
FOR INFRASTRUCTURE IMPROVEMENTS**

Legacy Lakes Phase 1

WHEREAS, A preliminary plat for the Legacy Lakes Subdivision was approved on June 13th, 2005 by the Town of Aberdeen Board of Commissioners; and

WHEREAS, The Unified Development Ordinance (UDO) requires that a developer install the improvements specified within the UDO or guarantee their installation; and

WHEREAS, MFV-FC Portfolio, LLC (the Developer) received approval of a final plat for Phase 1 containing two hundred thirty (230) single family lots; and

WHEREAS, the Regulations specify that surety must be posted at 1.25 times the estimated cost of construction of any and all proposed improvements not complete at the time of presentation of a final plat for approval; and

WHEREAS, the total estimated cost of completing improvements for Phase 1 of the Legacy Lakes subdivision at the time of final plat approval was \$503,181.13; and

WHEREAS, the Developer provided surety in an amount equal to 1.25 times \$503,181.13, or \$628,976.41, at the time of final plat approval to guarantee all improvements for Phase 1 of the development; and

WHEREAS, the Developer was permitted to post surety in the form of nine (9) bonds in the total amount of \$628,976.41 pledged to the Town of Aberdeen for the completion of Phase 1 improvements with the provision that such surety may be released upon confirmation of improvement completion or may be released in part based on confirmation that remaining improvements are adequately guaranteed by a reduced surety; and

WHEREAS, the Developer requested on October 10th, 2017 the nine (9) bonds be release in the amount of \$628,976.41, having met in part the guarantee obligations; and

WHEREAS, the Developer requested on October 10th, 2017 the acceptance of two (2) bonds in the reduced amount of \$332,857.50, having met in part the guarantee obligations; and

WHEREAS, the Developer requested on April 23rd, 2020 the release of two (2) bonds in the amount of \$332,857.50, having met in part the guarantee obligations; and

WHEREAS, the Developer, having met, in part, the obligations guaranteed by the surety, requests acceptance of a cash surety in the amount of \$143,591.25 for a portion on the attached Engineers Cost Estimate; and

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Aberdeen that the Board shall release the bonds in question in the amount of \$143,591.25.

Adopted this the 23rd day of March, 2020.

Robert A. Farrell
Robert A. Farrell, Mayor

Attest:

Regina M. Rosy
Regina M. Rosy, Clerk

**RESOLUTION #20-13 TO RELEASE SURETY
FOR ROADWAY IMPROVEMENTS**

Sandy Springs – Roadway Improvements

WHEREAS, a preliminary plat for Sandy Springs was approved on November 14, 2005 by the Town of Aberdeen Board of Commissioners; and

WHEREAS, the Unified Development Ordinance (UDO) requires that a developer install the improvements specified within the UDO or guarantee their installation; and

WHEREAS, Robert Stafford (the Developer) has submitted a final plat for approval for Sandy Springs – Phase IV-B containing twenty-nine (29) lots, as identified on the attached maps; and

WHEREAS, the Board of Commissioners required the acceptance of surety for the installation of roadway improvements on August 27th. 2018; and

WHEREAS, the Regulations specify that surety must be posted at 1.25 times the estimated cost of construction of any and all proposed improvements not complete at the time of presentation of a final plat for approval; and

WHEREAS, the total estimated cost of completing the roadway improvements of the Sandy Springs subdivision was \$126,414.85; and

WHEREAS, the Developer provided surety in an amount equal to 1.25 times \$126,414.85, or \$158,018.56, to guarantee the roadway improvements of the development; and

WHEREAS, the Developer was permitted to post surety in the form of a bond in the total amount of \$158,018.56 pledged to the Town of Aberdeen for the completion of roadway improvements; and

WHEREAS, the Developer, having met, the obligations guaranteed by the surety, requests release of the bond in the amount of \$158,018.56; and

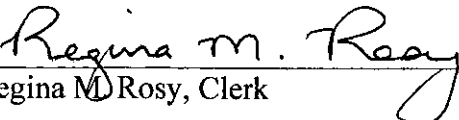
NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Aberdeen that the Board shall release the bonds in question in the amount of \$158,018.56.

Adopted this the 23rd day of March, 2020.



Robert A. Farrell, Mayor

Attest:



Regina M. Rosy, Clerk

Town of Aberdeen

COMMISSIONERS
JOE DANNELLEY
ELEASE GOODWIN
WILMA LANEY
BRYAN BOWLES
TERESSA V. BEAVERS



ROBERT A. FARRELL, Mayor
PAUL SABISTON, Town Manager
REGINA M. ROSY, Town Clerk

RESOLUTION #20-14 TO AMEND THE TOWN OF ABERDEEN PERSONNEL POLICY, ARTICLE IV HOLIDAYS AND LEAVE, SECTION 32 PANDEMIC SITUATION

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ABERDEEN THE FOLLOWING:

Section 1. The Town of Aberdeen Personnel Policy, Article IV Holidays and Leave, Section 32 - Pandemic Situation is added and will read as follows:

In the event of a pandemic situation, the Town Manager may authorize the ability for regular, full-time employees to borrow from their vacation and sick leave balances in an effort to continue receiving pay for dire circumstances. In such a case, the Town Manager will authorize a maximum amount that is available for Town employees to borrow. All leave must be exhausted before this is an option, including any accrued bonus or comp time, sick leave and vacation leave. Bi-weekly accruals for Sick Leave and Vacation Sick will continue to replenish the negative balances in accrual accounts and will continue to do so until balances have become positive again. The Town Manager may also authorize paid Administrative Leave for regular, full-time employees during a pandemic.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 23rd day of March, 2020.

Ayes: 5

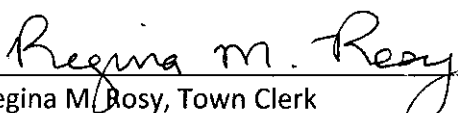
Noes: 0

Absent or Excused: NA

Dated: 3/23/2020


Robert A. Farrell, Mayor

Attest:


Regina M. Rosy, Town Clerk

Town of Aberdeen

COMMISSIONERS
JOE DANNELLEY
PLEASE GOODWIN
WILMA LANEY
BRYAN BOWLES
TERESSA V. BEAVERS



ROBERT A. FARRELL, Mayor
PAUL SABISTON, Town Manager
REGINA M. ROSY, Town Clerk

RESOLUTION #20-15 APPOINTING THE TOWN OF ABERDEEN FINANCE OFFICER

WHEREAS, N.C. Gen. Stat. § 159-24 states each local government and public authority shall appoint a Finance Officer to hold office at the pleasure of the appointing board; and

WHEREAS, the Finance Officer is responsible for providing financial safeguards for the Town and pursuing all duties set forth in N.C. Gen. Stat. § 159-25; and

WHEREAS, the Aberdeen Town Manager hired Mr. Claiburn Watson as the Finance Officer for the Town, effective March 9, 2020.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ABERDEEN THE FOLLOWING:

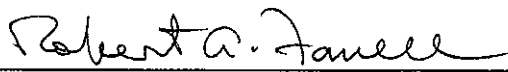
Section 1. The Board of Commissioners hereby appoints Mr. Claiburn Watson as the Finance Officer for the Town of Aberdeen.

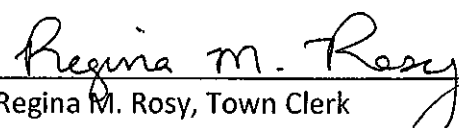
Section 2. All provisions of any town ordinance or resolution in conflict with this resolution are repealed.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 23rd day of March, 2020.

Ayes: 5
Noes: 0
Absent or Excused: NA
Dated: 3/23/2020


Robert A. Farrell, Mayor

Attest:

Regina M. Rosy, Town Clerk