

Minutes
Regular Board Meeting
Aberdeen Town Board

April 27, 2020
Monday, 6:00 p.m.

Remote Meeting
Live-streamed through YouTube on www.townofaberdeen.net

The Aberdeen Town Board met on Monday, April 27, 2020 for the Regular Board Meeting. The Board members and staff members met remotely through a Zoom meeting that was displayed through YouTube live on the Town's website at www.townofaberdeen.net. The meeting was also available for public viewing at the Aberdeen Recreation Center at 6:00 p.m. Members present remotely were Mayor Robert A. Farrell, Mayor Pro-tem Joe Dannelley and Commissioners Wilma Laney, Elease Goodwin, Teresa Beavers, and Bryan Bowles. Staff members in attendance remotely were Planning Director Justin Westbrook, Finance Director Butch Watson, Town Manager Paul Sabiston, Interim Public Works Director Joe Wood, IT Support Specialist Dean Wrightson, Police Chief Carl Colasacco, Fire Chief Phillip Richardson, Parks & Recreation Director Adam Crocker, and Town Clerk Regina Rosy.

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

A motion was made by Commissioner Laney, seconded by Commissioner Bowles, to approve the setting of the agenda as presented. 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 Budget Retreat on March 13, 2020, Board Meeting on March 23, 2020 and Work Session on April 13, 2020.

- b. Consider approval of Resolution #20-18 to Release Partial Surety for Shepherds Trail Phase II-A for sidewalks in the amount of \$9,863.94.

A motion was made by Mayor Pro-tem Dannelley, seconded by Commissioner Bowles, to approve the consent agenda as presented. Motion unanimously carried 5-0.

4. Informal Discussion and Public Comment

None

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

Manager Sabiston stated a written report has been provided to each Board member for review. Manager Sabiston stated Finance Director Butch Watson has requested to have a quarterly financial report to be presented to the Board members once each quarter. This month may be more of a typical monthly financial report, but going forward they will be in more of a quarterly format. Manager Sabiston stated the final audit was submitted about 10 days ago to the Local Government Commission (LGC). The LGC will provide Town staff and the Board with comments and findings on the audit. Manager Sabiston stated the findings were not any surprise, and a written response by the Town is required by May 8th. Manager Sabiston stated the Town will not make it on the May LGC meeting agenda, but the hope is to make the meeting agenda for the June meeting. Manager Sabiston stated the contractor for the construction loan and the bank for the financing have agreed to extend the agreements for an additional month so that there is additional time to obtain LGC approval for the project.

Manager Sabiston stated given limitations, work is getting done in all of the departments and staff are responding very well. Manager Sabiston stated the Governor's most recent stay at home order has been extended to May 8th. The Governor has issued a 3-step process for reopening the State. Stage 1 has some changes related to gatherings. Stage 2 opens more businesses – and would happen 1-3 weeks after Stage 1. After Stage 2 (3-4 weeks), next step would be Stage 3 which would open even more businesses but yet still limit visitations at nursing facilities, etc. Manager Sabiston stated the Town's declaration of a State of Emergency follows the guidelines from the Governor.

Manager Sabiston stated the Historic Preservation Commission is currently down to three regular members with the recent resignation, and Town staff are

looking for interested candidates to serve on this Board. Director Westbrook stated candidates must reside within the Town's limits or ETJ with an interest in historic preservation. Mayor Pro-tem Dannelley asked if the three remaining members would constitute a quorum. Manager Sabiston stated yes that is correct.

Manager Sabiston stated public comment is invited for Regular Board Meetings. Manager Sabiston stated a phone call was received today from Freda Grant who lives on Abilene Lane in Meadow Ridge Subdivision. Ms. Grant wanted the Board to know that she is concerned about the safety of the residents in that neighborhood as it presently exists today, prior to any development of the green space.

Manager Sabiston stated a letter was received from the Moore County Board of Elections requesting use of the large room in the Aberdeen Recreation Center facility for early voting from mid-October to early November. Manager Sabiston stated the Town is required to respond to this request. Manager Sabiston stated this request would shut down operations for many programs at Parks & Recreation if it were allowed. Manager Sabiston stated he would request permission to offer space in an alternate facility, but not offer space in the Recreation Center due to the impact on Parks & Recreation programs. Commissioner Laney asked what alternate site would be available. Manager Sabiston stated the American Legion Building could be offered as an alternate site. Commissioner Beavers stated she is glad there would be an alternate site offered, since the convenience of early voting in Aberdeen would be very nice. Mayor Farrell stated shutting down the Recreation Center for three weeks would be a large burden. Commissioner Laney felt the traffic pattern would be easier at the American Legion Building versus the Recreation Center. Commissioner Goodwin stated the American Legion Building is a good location for voting. Mayor Farrell stated it would be really nice to have early voting in Aberdeen.

6. Financial Report (Finance Director Butch Watson)

Director Watson stated the revenues are \$6.1 million for the General Fund and for the Water and Sewer Fund the revenues are \$3,386,000. Expenditures are \$6,927,000 for the General Fund and \$2,324,000 for the Water and Sewer Fund. Director Watson stated there are additional items that will be posted over the next few weeks and we are at better than break even.

Director Watson stated the projections for sales tax revenue prior to COVID-19 were above budget. But projected through the end of June it is estimated that the Town will break even on sales tax revenue for the current fiscal year.

Director Watson stated he has been talking to the three banks the Town currently works with on loans and he is coordinating loan rate modifications on five transactions. Director Watson stated there are \$1,332,000 in outstanding transactions – and there is the potential to save between \$35,000 and \$36,000 by reworking these loans. There is the potential to save another \$11,000 - \$12,000 on a couple of other transactions that he is working on as well. Mayor Farrell stated any time money can be saved that is a good thing. Director Watson stated the rate modifications will come to the Board for approval at a meeting in May hopefully.

Mayor Farrell stated he was intrigued by the LGC stating the Town's Fund Balance is not high enough. Director Watson stated 8% is a good rule of thumb. We currently have about 28%. Director Watson stated he believes the LGC looks at an average of other local governments our population size. Mayor Farrell stated he would like to know what the recommendation is for the Fund Balance amount. Director Watson stated he will find out.

7. 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. (Public Hearing will be continued to May 26, 2020 at 6:00 p.m.)

Manager Sabiston there is another request to delay this public hearing for 30 days. Manager Sabiston stated the guidance on how to conduct remote public hearings is still very gray. The hope is that when the General Assembly reconvenes there will be more guidance on this topic. Manager Sabiston stated the applicant clearly wants to move forward as quickly as possible. Manager Sabiston stated even if the Town attempts to put together a remote quasi-judicial hearing, it is not clear if it would even be legal. Manager Sabiston stated it looks like there is a bill that will be going before the General Assembly related to this topic in late April to early May. Manager Sabiston stated when this public hearing is continued staff plans to re-advertise.

Mayor Farrell opened the public hearing.

A motion was made by Commissioner Bowles, seconded by Commissioner Beavers, to continue the public hearing for CZ 19-03 to May 26, 2020 at 6:00 p.m. Motion unanimously carried 5-0.

- b. Consider acceptance of resignation from Historic Preservation Commission member Christian Crumpton. (Planning Director Justin Westbrook)

Director Westbrook stated the standard procedure is to acknowledge and accept a resignation from any Town Board. Director Westbrook stated a quorum still exists for this Board, but candidates are needed to serve on this Board. Director Westbrook stated the vacancies are currently listed on the Town website and downtown Aberdeen Facebook page. Mayor Farrell asked if it could go in the Bon Accord. Manager Sabiston stated yes. A motion was made by Commissioner Beavers, seconded by Commissioner Goodwin, to accept the resignation from the Historic Preservation Commission from Christian Crumpton. Motion unanimously carried 5-0.

- c. Consider approval of Resolution #20-17 Supporting the Application for NCDOT Funding for a Combined Bicycle and Pedestrian Plan. (Planning Director Justin Westbrook)

Director Westbrook stated a goal of Town Staff is to update the Bicycle and Pedestrian Plan. Director Westbrook stated there is an ability to apply for a grant to work on this project. If the grant is awarded, then NCDOT would award 90% of the cost of the plan. Currently the request is to consider approval of a Resolution of Support for this project.

Mayor Pro-tem Dannelley asked what the limiting factor was from keeping the plans separate, and instead combining them? Director Westbrook stated the plans are lacking and out-of-date. Director Westbrook stated a check-up is needed for both of these plans. Director Westbrook stated both plans will stay in place until such time a new plan replaces them. Mayor Pro-tem Dannelley stated he supports walkability and our Town presents some challenges in that area with connect-ability. Director Westbrook stated a plan takes 6-9 months to complete, and the grants would be awarded in the fall of 2020. Director Westbrook stated the current plan is 9-10 years old and several items in the plan are outdated. Director Westbrook stated having a combined plan will really go along hand in hand with the work that was done with the UDO.

A motion was made by Commissioner Laney, seconded by Commissioner Goodwin, to approve Resolution #20-17. Motion unanimously

carried 5-0.

- d. Consider approval of an Ordinance to Amend the Town of Aberdeen Code of Ordinances, Sections 92.01 and 92.02 related to a State of Emergency. (Town Manager Paul Sabiston)

Manager Sabiston stated the request is to amend the Town's internal ordinance for declaring a State of Emergency. Manager Sabiston stated until there is a pandemic or a disaster, it's hard to know what is needed in this type of ordinance. Manager Sabiston stated the proposed language would match the authority that the General Assembly has given to local government jurisdictions. Manager Sabiston stated the other powers he has taken are verbatim from the UNC School of Government recommendations. Commissioner Beavers stated she likes the recommendation of implementing a curfew when needed to ensure public safety. Mayor Farrell thanked Manager Sabiston for his work on this updated ordinance.

A motion was made by Commissioner Bowles, seconded by Commissioner Laney, to approve an Ordinance to Amend the Town of Aberdeen Code of Ordinances, Sections 92.01 and 92.02 related to a State of Emergency. Motion unanimously carried 5-0.

- e. Consider authorization for staff to advertise for the FY 20-21 Budget Public Hearing on June 8, 2020 or June 22, 2020 in accordance with State Law or as may be amended by the NC General Assembly. (Town Manager Paul Sabiston)

Manager Sabiston stated this item will allow Town staff to work with any new rules that come down from the NC General Assembly related to conducting a meeting that has a statutory requirement for a public hearing or sworn testimony. Manager Sabiston stated he does not see any harm in putting off the public hearing until June 8, 2020 or even hold it over to June 22, 2020 if needed. Manager Sabiston stated the budget has to be adopted by the end of June, so either of those meeting dates would provide enough time for budget adoption. A motion was made by Commissioner Beavers, seconded by Commissioner Goodwin, to authorize staff to advertise for the FY 20-21 Budget Public Hearing on June 8, 2020 or June 22, 2020 in accordance with State Law or as may be amended by the NC General Assembly. Motion unanimously carried 5-0.

- f. Provide direction to staff on processing the recent Site Plan Submittal received from Thomas Tire related to CZ-17-04 for a 1.65 acre tract fronting N. Poplar Street, Aberdeen. (Planning Director Justin Westbrook)

Manager Sabiston stated a few of the current Board members were serving on the Board when this matter last came up. Under the old UDO, the request was for a conditional zoning. The developer never went through the Conditional Use Permit (CUP) process and about a year after that, the UDO was amended. An option would be to review this project as a Special Use Permit (SUP) under the current UDO to address concerns related to the project, or proceed without a special use permit process. Manager Sabiston stated staff is asking for guidance from the Board on which way they would prefer to handle this project.

Commissioner Beavers asked if the property has been rezoned to Commercial? Manager Sabiston stated yes, the rezoning is in the books, which includes any conditions for the zoning.

Mayor Pro-tem Dannelley stated he was on the Board when this item last came up – and after a lengthy discussion there were conditions developed for the rezoning. Director Westbrook stated the two conditions are the requirement of a CUP and a minimum 30' vegetative buffer fronting Poplar Street. Mayor Pro-tem Dannelley stated he would rather make a decision that is consistent with any other projects that might come forward. Commissioner Laney stated there were a lot of people at that meeting concerned about the impact of the proposed project, and due to the concerns of so many citizens she thinks the better option would be to treat this as a Special Use Permit.

Director Westbrook stated special use permits have to meet five standards. State statutes say if those five standards are met, then the proposal can not be denied. Director Westbrook stated the issues previously identified need to be addressed – he is just not sure if the special use permit really gets us there. Director Westbrook stated the other option is to trust the Technical Review Committee (TRC) to negotiate some things should it meet the SUP standards. Commissioner Bowles stated even with a special use permit it allows the Board to get their concerns on record.

Director Westbrook stated zoning runs with the land, and once property is rezoned the only way to change conditions is to rezone the property. Director Westbrook stated the best thing is to determine if the process is beneficial in letting the residents present their points, with the understanding that the special use permit must follow a specific process. Director Westbrook stated any time there is a UDO rewrite, there will be

projects that come from the shadows and staff and the Board may have to just roll with it as best as they can.

Manager Sabiston stated the consistency is important. Manager Sabiston stated he would rather err on the side of what is there, and is defensible. Commissioner Beavers asked if this property has always been commercial. Director Westbrook stated it used to be split zoned between B-3 (Poplar Street) and General Commercial (US Highway 1). Commissioner Laney stated only the rezoning was done before, and the residents in attendance at that meeting thought there would be another opportunity to be heard for a CUP process. Commissioner Laney stated she feels residents should have a chance to speak on the matter. Mayor Pro-tem Dannelley stated because of the fact a conditional use permit was called out as a condition on this rezoning, he thinks it would be wise for the Board to consider using the special use permit process for this item. Mayor Pro-tem Dannelley stated he thinks it is important to let others weigh in on this matter because of the historic nature of Poplar Street and the historic growth on Poplar Street. Commissioner Beavers agreed with Mayor Pro-tem Dannelley in order to be transparent with the public.

A motion was made by Commissioner Laney, seconded by Mayor Pro-tem Dannelley, to direct the staff to use the special use permit process for CZ 17-04. Motion unanimously carried 5-0.

8. Other Business

Mayor Farrell asked for everyone to think about candidates that might consider serving on the Historic Preservation Commission.

Mayor Farrell asked Chief Richardson the status of the Lake Dam project. Chief Richardson stated it is 98% complete, and right now it just needs final inspection and clean-up of the site.

Commissioner Beavers thanked the Streets Department for their extra hard work lately picking up all of the extra yard debris.

Mayor Farrell encouraged everyone to stay safe.

9. Adjournment

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

Regina M. Rosy
Regina M. Rosy, Town Clerk

Minutes were completed in
Draft form on April 27, 2020

Robert A. Farrell
Robert A. Farrell, Mayor

Minutes were approved
on May 26, 2020

**RESOLUTION #20-18 TO RELEASE PARTIAL SURETY
FOR INFRASTRUCTURE IMPROVEMENTS**

Shepherds Trail – Phase II-A

WHEREAS, A preliminary plat for the Shepherds Trail Subdivision was approved on April 7th, 2016 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, Allan Casavant (the Developer) received approval of a final plat for Shepherds Trail – Phase II-A containing eight (8) 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 sidewalks for Phase II-A of the Shepherds Trail Development at the time of final plat approval was \$13,398.08; and

WHEREAS, the Developer provided surety in an amount equal to 1.25 times \$13,398.08, or \$16,747.59, at the time of final plat approval to guarantee all sidewalks for Phase II-A of the development; and

WHEREAS, the Developer was permitted to post surety in the form of multiple checks in the total amount of \$16,747.59 pledged to the Town of Aberdeen for the completion of Phase II-A sidewalks with the provision that such surety may be released upon confirmation of sidewalk completion or may be released in part based on confirmation that remaining sidewalks are adequately guaranteed by a reduced surety; and

WHEREAS, the Developer, having met, in part, the obligations guaranteed by the surety, requests release of partial surety in the amount of \$9,863.94 for a portion on the attached Engineers Cost Estimate; and

WHEREAS, the amount of remaining surety (\$6,883.65) for sidewalks yet to be completed shall be held until such time that new a request for release is brought to the Town Board and supported by a statement of adequacy from the Town of Aberdeen Public Works Director; and

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Aberdeen that the Board shall release a check in the amount of \$9,863.94 to the Developer and that the balance of surety in the amount of \$6,883.65 shall remain in place as surety for completion of the remaining sidewalks for Phase II-A of the Shepherds Trail Subdivision.

ADOPTED, this the 27th day of April, 2020.

Robert A. Farrell
Robert A. Farrell, Mayor

Attest:

Regina M. Rosy
Regina M. Rosy, Clerk

RESOLUTION #20-17
SUPPORTING THE APPLICATION FOR NCDOT FUNDING FOR A
COMBINED BICYCLE AND PEDESTRIAN PLAN

WHEREAS, the North Carolina Department of Transportation (NCDOT) has established a grant that provides funding to small municipalities for the development of a Combined Bicycle and Pedestrian Plan Project; and

WHEREAS, the Town of Aberdeen has a population estimate of 7,861; and

WHEREAS, the Town of Aberdeen has adopted both a Bicycle Transportation Plan and a Pedestrian Transportation Plan that are each over five (5) years old; and

WHEREAS, the Town of Aberdeen has a desire to provide its citizens with safe, convenient, and more complete bicycle and pedestrian facilities within the community; and

WHEREAS, the Town of Aberdeen has decided to apply for funding from the Department of Transportation for development of a Combined Bicycle and Pedestrian Plan Project; and

WHEREAS, the proposed Combined Bicycle and Pedestrian Plan Project would complement and coordinate with existing plans in the region; and

WHEREAS, the Aberdeen Board of Commissioners determines it to be in the best interest of the citizens of ABERDEEN and the region to endorse said planning project.

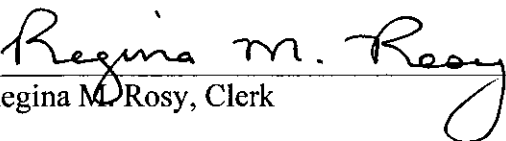
NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Town of Aberdeen does hereby endorse the application for the NCDOT Bicycle and Pedestrian Planning Grant to create a Combined Bicycle and Pedestrian Plan for the Town of Aberdeen to make informed planning decisions.

ADOPTED, this the 27th day of April, 2020.



Robert A. Farrell, Mayor

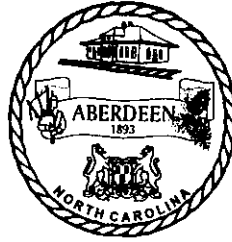
Attest:



Regina M. Rosy, Clerk

Town of Aberdeen

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



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

AN ORDINANCE AMENDING THE TOWN OF ABERDEEN STATE OF EMERGENCY POWERS AND AUTHORITY BY THE MAYOR AND BOARD OF COMMISSIONERS

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF
ABERDEEN THE FOLLOWING:**

Section 1. Aberdeen Town Code Sections 92.01 “When State of Emergency Deemed To Exist” and 92.02 “Emergency and Curfew; Proclamation by Mayor and Proclamation End” are hereby amended, with strike-throughs deleting language and underline/italics adding language, as follows:

§ 92.01 WHEN STATE OF EMERGENCY DEEMED TO EXIST. A state of emergency shall be deemed to exist whenever, during the times of great public crisis, disaster, rioting, civil disturbance, catastrophe, *pandemic or other serious health emergency*, or for any other reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare or property; *or the administration of any town activities is threatened or undergoing a substantial threat of security or safety to the lives, health, welfare, or property of the general public or Town staff.* ('75 Code, § 6-1).

§ 92.02 EMERGENCY AND CURFEW; PROCLAMATION BY MAYOR AND PROCLAMATION OF END.

(A) In the event of a state of emergency threatening or endangering the lives, safety, health and welfare of the people within the town or threatening damage to or destruction of property, the Mayor *individually, or a majority of the Board of Commissioners,* is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency and, in order more effectively to protect the lives, safety and property of people within

the town, to define and impose a curfew or other restrictions as set forth below applicable to all persons within the jurisdiction of the town.

(B) The Mayor individually, or a majority of the Board of Commissioners, are ~~is~~ hereby authorized and empowered to limit the application of such a curfew or other restrictions as set forth below to any area specifically designated and described within the jurisdiction of the town and to specific hours of the day or night; and to exempt from the curfew policemen, firemen, doctors, nurses and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the town.

(C) The Mayor individually, or a majority of the Board of Commissioners, shall proclaim the end of such state of emergency and curfew as soon as circumstances warrant or when directed to do so by the Board of Commissioners.

(D) The Board of Commissioners shall be notified of the declaration of a state of emergency within 24 hours and called into session within seven (7) days 24 hours after a state of emergency has been proclaimed by the Mayor. ('75 Code, § 6-2).

(E) Under a local state of emergency, the Town or Mayor may impose restrictions and prohibitions under the full authority granted by NC General Statutes section 166A-19, et seq. including but not limited to the following:

1. The movements of people in public places, including any of the following:
 - a. Imposing a curfew.
 - b. Directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction.
 - c. Prescribing routes, modes of transportation, and destinations in connection with evacuation.
 - d. Controlling ingress and egress of an emergency area, and the movement of persons within that area (an emergency area being the geographic area of the Town covered under the local state of emergency declaration).
 - e. Providing for the closure, within the emergency area, of streets, roads, highways, bridges, public vehicular areas, or other areas ordinarily used for vehicular travel, except to the movement of emergency responders and other persons necessary for recovery from the emergency.
2. The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.
3. The possession, transportation, sale, purchase, and consumption of alcoholic beverages.
4. The possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this subdivision does not authorize prohibitions or

restrictions on lawfully possessed firearms or ammunition as permitted by state and federal law.

5. Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.
6. Delegate to the town manager or other town staff certain powers and authorities normally held by the Board of Commissioners or the Mayor, including but not limited to the power and authority to conduct remote public meetings and public hearings to the full extent and authority granted under North Carolina law now existing or as may be amended in the future.

Section 3. All provisions of any town ordinance or resolution in conflict with this ordinance are repealed. Any existing Declarations of State of Emergencies called by the Mayor or ratified by the Board of Commissioners are hereby ratified as if declared under the authority of this ordinance.

Section 4. The Town Clerk is hereby authorized to make editorial changes and numerical section adjustments to this ordinance as may be needed to become an organized addition to the Town Code.

Section 5. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 27th day of April, 2020.

Ayes: 5

Noes: 0

Absent or Excused: NA

Dated: 4/27/2020

Robert A. Farrell

Robert A. Farrell, Mayor

Attest:

Regina M. Rosy
Regina M. Rosy, Town Clerk