



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

July 13, 2020 - 7:00 PM
VIA Zoom Meetings

I. CALL TO ORDER

A. Call to order

Mayor Tripp called the meeting to order at 7pm.

B. Roll Call

Present:

Mayor Stephen Tripp, Mayor Pro-tem Ivory Mewborn, Commissioner Raymond Langley, Commissioner Cynthia Goff, Commissioner Phyllis Ross, Commissioner Johnny Davis

Absent:

None

Also Present:

Steven Harrell - Town Manager

Sarah Radcliff - Town Clerk

Scott Dixon - Town Attorney

C. Welcome Visitors/Protocol for Public Comment

D. Invocation

Mayor Tripp gave the invocation.

E. Pledge of Allegiance

Mayor Tripp led the Pledge of Allegiance.

F. Approval of the Agenda

Manager Harrell stated we need to add under Action Items the Consideration of Speed Bumps on Garris Street and add Consideration of a Personnel Matter to the Closed Session.

Motion to approve the agenda as amended.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

II. PUBLIC COMMENTS

There were no public comments.

III. PRESENTATIONS

A. Chamber of Commerce Presentation of Plans for Christmas Town in Ayden 2020

Laura Todd presented to the Board. She stated she would like to do something different this year for the Christmas parade due to the COVID-19 restrictions. She asked the board to consider giving the \$10,000 allocated for the Collard Festival, which has been canceled, to have a reverse parade where the floats stand still and the people travel through on their vehicles to see the decorated floats, businesses, and homes. This would be in addition to the \$3,000 they get on a yearly basis. She wants to have extra big lights all around town and lots of participation from churches and businesses to give the families something to look at. She stated she needed to work with DOT to have the roads closed for 4-5 hours. She also requested storage space for the additional decorations she would be purchasing.

Mayor Tripp stated it sounded like a good idea but he wanted to see the lights she is talking about. He asked if she could bring something back in August to show the board. He said he wanted to see a budget with actual numbers and plan of action before he made a decision.

IV. CONSENT AGENDA

A. Minutes from the June 8, 2020 Board Meeting

B. Resolutions Accepting Financing Agreement for New Garbage Truck and Bucket Truck

Item Explanation

The Town agreed to purchase a new bucket truck in the FY-19-20 budget year, The truck required several months to be built to specifications of the Town and should be delivered within the next few weeks. As part of its FY19-20 budget, the truck was to be financed.

The Town has agreed to purchase a new garbage truck in the FY 20-21 budget and finance the purchase.

Staff Comments

The Town requested proposals on financing each unit from three (3) banks, BB&T, Southern Bank and United Bank. The Town only received one bid on each unit from United Bank. United offered, enclosed, the Town \$279,448 at 2.17% with an annual payment \$59,071 for five (5) years and a \$250 loan origination fee on the bucket truck and \$186,400 at 2.08% with an annual payment of \$48,634 for four (4) years on the garbage truck.

The Town has been looking for a third bidder on financing for some time and are pleased United Bank has shown interest in assisting the Town. United Bank is located in Greenville, NC. They acquired Cres Com Bank in November

2019, Cres Com had bought First South Bank United Bank are a little more aggressive on government financing and provided these good rates.

Action Requested

By motion, approve enclosed resolutions for lowest received financing bids on garbage truck and bucket truck, respectively.

Manager Harrell stated in the resolution for the garbage truck, there was a typo within the resolution stating "bucket truck" that needed to be corrected to "garbage truck".



RESOLUTION NO. 20-21-03

Resolution Approving Financing Terms on Bucket Truck

WHEREAS: The Town of Ayden ("Town") has previously determined to undertake a project for the financing of a bucket truck, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through United Bank ("United"), in accordance with the proposal dated June 22 2020. The amount financed shall not exceed \$279,448, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.17%, and the financing term shall not exceed five(5) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

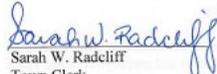
5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the United financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed.

All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 13th day of July, 2020.


Stephen W. Tripp
Mayor


Sarah W. Radcliff
Town Clerk





RESOLUTION NO. 20-21-02

Resolution Approving Financing Terms on Garbage Truck

WHEREAS: The Town of Ayden ("Town") has previously determined to undertake a project for the financing of a garbage truck, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

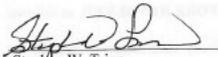
1. The Town hereby determines to finance the Project through United Bank ("United"), in accordance with the proposal dated June 22 2020. The amount financed shall not exceed \$186,400, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.08%, and the financing term shall not exceed four (4) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

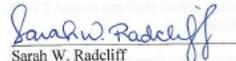
5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the United financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed.

All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 13th day of July, 2020.


Stephen W. Tripp
Mayor


Sarah W. Radcliff
Town Clerk



Motion to approve the consent agenda with the change to the resolution for the garbage truck as noted.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Vote: Mayor Pro-tem Mewborn: yes; Commissioner Langley: yes; Commissioner Davis: yes; Commissioner Ross: yes; Commissioner Goff: yes

Approved: 5-0

Motion passed unanimously.

V. ACTION ITEMS

A. Neuse River Basin Regional Hazard Mitigation Plan Update - Adoption

Item Explanation

The attached Resolution of Adoption relates to the Neuse River Regional Hazard Mitigation Plan. The Neuse River Plan involves Greene, Jones, Lenoir, Pitt and Wayne County, as well as all incorporated municipalities throughout the Region. The planning process was initiated early last year (2019), and will be completed following adoption by the Board of Commissioners followed by formal certification of the plan for the next five year cycle.

Staff Comments

Development of the draft document involved a series of four Hazard Mitigation Planning Committee meetings, as well as two public input meetings. Each jurisdiction was represented by Staff, as well as two Citizen Stakeholders (CRS communities only). Attached are the draft strategies relating to Pitt County and the Town of Ayden, as well as the proposed Resolution of Adoption. A full copy of the draft plan, as well as materials associated with the planning process can be viewed through the following web link: www.neuseriverhmp.com.

Action Requested

Approve the attached Resolution of Adoption.

Planning Director Stephen Smith presented to the Board.



**RESOLUTION 20-21-01 ADOPTING THE
NEUSE RIVER BASIN REGIONAL HAZARD MITIGATION PLAN
TOWN OF AYDEN
July 13, 2020**

WHEREAS, the Town of Ayden is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the County and participating municipal jurisdictions desire to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the Board of Commissioners of the Town of Ayden to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the Board of Commissioners of the Town of Ayden to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Town of Ayden; and

WHEREAS, the Town of Ayden actively participated in the planning process for the Neuse River Basin Regional Hazard Mitigation Plan and has prepared a regional hazard mitigation plan update with input from the appropriate local and state officials; and

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Neuse River Basin Regional Hazard Mitigation Plan for legislative compliance and have approved the plan pending the completion of local adoption procedures;

NOW, THEREFORE, be it resolved that the Board of Commissioners of the Town of Ayden hereby:

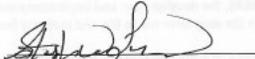
1. Adopts the Neuse River Basin Regional Hazard Mitigation Plan; and
2. Vests the Planning Director with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities

with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

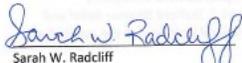
3. Appoints the Planning Director to assure that, in cooperation with the other participating jurisdictions, the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to Board of Commissioners of the Town of Ayden for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the 2020 Neuse River Basin Regional Hazard Mitigation Plan.

Adopted this 13th day of July, 2020 in Ayden, North Carolina




Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:


Sarah W. Radcliff
Town Clerk

Motion to approve the Resolution of Adoption.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Vote: Mayor Pro-tem Mewborn: yes; Commissioner Langley: yes; Commissioner Davis: yes; Commissioner Ross: yes; Commissioner Goff: yes

Motion passed unanimously.

B. Authorize Implementation of PLANT A HOME EMPTY PARCEL UTILIZATION PROGRAM

Item Explanation

Attached is Mayor Pro Tem Mewborn's proposal for adding affordable owner-occupied homes on current Town-owned empty parcels. Essentially incentivizes moderate to low income persons to possibly purchase these vacant parcels and build or place their homes on them.

Staff Comments

The attached proposal was presented to the Town Board at its June 8, 2020 meeting and was adopted by the Town Board. Additional information from the Town Attorney was needed for possible amendments to the proposal to be addressed at the Town Board's July 13, 2020 meeting.

Needed amendments from the Town Attorney are raising the income level of eligible buyers from no more than 20% over state median income to no more than 30% over state median income. The selling of the properties at a blanket price of 20% parcel value would be problematic with statutes/SOG blogs unless we determine a specific need and can demonstrate certain factors when the property is conveyed. See this excerpt from SOG Tyler Mulligan's blog regarding conveyance by municipalities for less than Fair Market Value:

"A conveyance of property for less than fair market value is equivalent to an expenditure for the benefit of the recipient entity, so the same constitutional considerations apply to reduced-price conveyances as apply to appropriations. Accordingly, the public purpose rationale must be articulated in the approvals for the conveyance—that is, documentation should demonstrate the lack of available housing for LMI persons and should include a budget and pricing to show how the public's financial support will assist LMI persons. Any subsidy in excess of what is necessary to make housing affordable for LMI persons would be inconsistent with the allowable public purpose and would amount to an unconstitutional gift to the housing developer."

It seems like demonstrating these factors isn't difficult given the perpetual need for LMI housing, but guideline for sell of properties is best framed as, "Qualifying individuals will be offered below market parcel prices based on availability of comparable housing consistent with applicable North Carolina law."

The Town Attorney thinks this verbiage covers us better than the blanket 80% reduction. The enclosed Plant A Home program tenets has been amended for the two changes by the Town Attorney above.

Staff plans the following for implementation of the this program:

- promote and advertise program on social media outlets and website, which will begin immediately, and complete handout brochure on program by August 1, 2020
- Town Attorney will craft purchase agreement document and deed with program restrictions/tenants to be used for the purchase of the Town vacant parcels with a target date of August 15, 2020
- Staff will put in place administrative program to monitor and track the purchases ready for implementing with a target date of August 15, 2020

Action Requested

By motion, adopt amended Plant a Home Empty Parcel Utilization Program and authorize staff to implement program.

Attorney Dixon stated from his review of the item, we are not allowed to do a blanket reduction the way it was proposed. He said it seems like there needs to be a prevalent need there. He said the new verbiage allows them to do what they are trying to accomplish, but makes sure we are in accordance with North Carolina law. Mayor Pro-tem Mewborn stated he did not agree with anything Attorney Dixon said. He said he has combed through it and tried to find what may be behind it, but this is not the spirit of the program. He said the program is designed for the working poor. Mayor Pro-tem Mewborn stated he understood what Attorney Dixon was saying but 20% is what we should go with. Mayor Pro-tem Mewborn said the Town would benefit from this and said he felt like he was being dragged through the mud for trying to give people a leg up to improve our town. Attorney Dixon stated he didn't have any objections or thought on what it should be, but he is going off what the School of Government thought was best. He said he didn't think they could legally offer it at the initial price discussed as opposed to the new verbiage. He said it qualifies as an expenditure under North Carolina law. Mayor Pro-tem Mewborn said he didn't see it as an expenditure. He said the perpetual revenues will outweigh the expenditures. Attorney Dixon stated the School of Government states a conveyance of property for less than fair market value is equivalent to an expenditure for the benefit of the recipient. Mayor Pro-tem Mewborn said a lot of that has to do with Mr. Mulligan's interpretation. Attorney Dixon stated he had given his interpretation and it was up to the board on how they wished to proceed. Mayor Pro-tem Mewborn said if that

is the law, he needs to see it in writing. Attorney Dixon said his view as the town's attorney is that the initial proposal would not be allowed in regards to the sale of the property. Mayor Tripp stated there were two different things. Mayor Pro-tem Mewborn said he didn't see anything wrong with offering the property at 20%. If it is against the law he wants to see it in black and white. Attorney Dixon said it is the interpretation of the law and the board can do what they wish, but it may open them up to liability. Mayor Tripp asked Scott to send follow up information to the board and they would review and discuss at the August meeting. Mayor Tripp stated the spirit of what Mayor Pro-tem Mewborn has proposed is great and Attorney Dixon is doing his job to provide us with all the information we need to protect our liability.

Motion to table this until the August meeting and we get more information from Attorney Dixon.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Vote: Mayor Pro-tem Mewborn: yes; Commissioner Langley: yes; Commissioner Davis: yes; Commissioner Ross: yes; Commissioner Goff: yes

Approved: 5-0

Motion passed unanimously.

C. Consider Addition of Speed Humps on Garris Street

Item Explanation

Mayor Pro Tem Mewborn has requests from residents on Garris Street for a speed hump on the block between Joyner and High Street. See enclosed map.

Staff Comments

This a relatively short block and a single pair of humps in the center of the block should be adequate to slow traffic.

Action Requested

At Board's direction.

Motion to approve speed humps on Garris Street.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Vote: Mayor Pro-tem Mewborn: yes; Commissioner Goff: yes; Commissioner Langley: yes; Commissioner Ross: yes; Commissioner Davis: yes

Approved: 5-0

Motion passed unanimously.

VI. INFORMATION

A. Staff Departmental Reports

Commissioner Goff asked if the Veterans Memorial was going to be replaced Manager Harrell stated it was and they were working on it. Commissioner Langley asked if we could get a camera in the area once its repaired. Manager Harrell said that was the plan. Mayor Pro-tem Mewborn stated a camera in that area would be a good idea due to the activity in that area. Mayor Tripp asked about he renovations to the IGA building. Nichole said she was getting bids for the roof. She

said the first step was to get the leak stopped. She said they did have an architect and they were in process. Commissioner Goff asked if the manager was aware of debris falling through the window at the Whitehurst building again. Manager Harrell said he wasn't aware that it was damaged again. Mayor Pro-tem Mewborn asked where we were at with Quilt Lizzy. Manager Harrell said they were moving along and planned to be open this fall. He said he would invite Susan to the August meeting to give an update.

VII. BOARD MEMBER COMMENTS

Mayor Pro-tem asked the manager to get the information from the attorney to him as soon as he could so they could get the program started. He gave his condolences regarding the passing of Wayne Harris. Commissioner Goff thanked staff for their work during a very hard situation and thanked the board for working together during this situation. Commissioner Ross gave her condolences to the family of Wayne Harris and thanked the employees for their hard work. Commissioner Davis welcomed Bonnie aboard and sent condolences to the family of Wayne Harris. Mayor Tripp congratulated Coach Davis on his retirement after 50 years. He recognized the service of Wayne Harris to the Planning Board. He stated he brought a lot of passion and spirit to the Town of Ayden.

VIII. CLOSED SESSION

- A. Pursuant to G.S. 143-318.11 (a) (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

- B. Pursuant to G.S. 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Motion to enter into closed session at 8:07pm.

Motion: Commissioner Goff

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to enter back into open session at 8:39pm.

Motion: Commissioner Ross

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

IX. ADJOURNMENT

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would

stand adjourned at 8:40pm.

CERTIFICATION

Minutes from the July 13, 2020 meeting were adopted and certified this 10th day of August, 2020 in Ayden, North Carolina.

AYDEN, NORTH CAROLINA

Stephen W. Tripp, Mayor

Sarah W. Radcliff, Town Clerk