



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

September 10, 2018– 7:00 pm

District Courtroom – 2nd Floor of Town Hall 4144 West Avenue

I. CALL TO ORDER

A. Call to Order

Mayor Tripp called the meeting to order at 7:00 p.m.

B. Roll Call

Present:

Mayor Tripp

Mayor Pro-tem Mewborn

Commissioners Davenport, Ross, Langley and Davis

Absent:

None

Also Present:

Steven Harrell - Town Manager

Sarah Radcliff– Town Clerk

Scott Dixon- Town Attorney

C. Welcome Visitors

Mayor Tripp welcomed everyone to the meeting.

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 they needed to remove Item G. under Action Items.

Motion to approve the agenda as amended.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

Motion passed unanimously.

II. PUBLIC COMMENTS

Skip Stang, 3927 Winchester Drive, addressed the board regarding the contract with Everetts Grading and the stormwater work at Montclair Estates. He stated he was disappointed in how the town was handling the situation.

Ann Holland, 3930 Lyndale Drive, addressed the board regarding the storm drainage issues with Montclair Estates. She stated she was disappointed with the way the town was handling the situation and wanted something to be done.

Don Brown, 497 Second Street, addressed the board regarding police officers knocking on citizens' doors. He said citizens are uncomfortable with it and he told them he was pass it along. He said they needed to send out letters explaining what is going on so the citizens will know.

Zantra Best, EIC Head Start Director, thanked the board for contributing to the Ayden Head Start Center. She asked the board to consider allowing them to use a classroom free of charge at the Ayden Arts & Rec Building for parent meetings once a month. Manager Harrell said the item was on the agenda for consideration.

III. PRESENTATIONS

A. Ayden Chamber of Commerce

Laura Todd, Executive Director for Ayden Chamber of Commerce, addressed the board. She reminded the board of the Community Conversations with local leaders coming up on Tuesday, October 16th at 6:30pm at Gwendy's Goodies. She stated she had invited Ayden Fire Department, EMS and Police to attend. She said they will possibly have NC Representative Greg Murphy and Congressman Jones, as they could not attend in July. She said she planned to continue these events next year and will focus on different leaders in our community like local business leaders, educators and civic groups. Mrs. Todd reminded the board they needed to appoint a liaison between their board and the Ayden Chamber board for January 2019 to December 2020. She said Stephen Smith was the current liaison and was doing a great job. Lastly, she spoke about Christmas Town in Ayden. She stated the Ayden Christmas Parade has been a town event in partnership with Ayden Chamber. She said the town budgets \$3000 for the parade and the Chamber puts in the man hours to organize the parade. She said the Chamber has expanded the event and is proposing to make Christmas Town in Ayden the Chamber's sponsored event, in lieu of the golf tournament.

IV. PUBLIC HEARINGS

A. 2018 CDBG-Neighborhood Revitalization (CDBG-NR) application

Mike Barnett, McDavid Associates, presented to the board.

Item Explanation

The Division of Rural Development in the Department of Commerce has announced the availability of \$10,000,000 in CDBG-Neighborhood Revitalization funds. The Town can apply for grant funding of up to \$750,000. Eligible activities include owner occupied housing and activities which support these housing activities such as water/sewer, street, drainage and community facilities. The activities can be in a neighborhood or can be scattered in the community. The program does not require a local match but the scoring can be greatly enhanced with some level of local contribution. This program closely mirrors the 2012 catalyst which funded scattered site housing replacement and work at the Arts and Recreation Center. The program will not involuntarily displace any citizens.

The Application Guidelines for this program require the Town to hold two public hearings prior to submitting an application for these funds. This public hearing serves as the second of these public hearings. The purpose of this public hearing is to receive any comments the public may have concerning the proposed activities for the application.

Staff Comments

Mike Barnette, Program Manager, will be present to conduct the second public hearing and answer any questions from the public.

Action Requested

Receive public comment in the public hearing

Mayor Tripp opened the public hearing. No one spoke. Mayor Tripp closed the public hearing.

B. License Plate Agency

Manager Harrell presented to the board.

Item Explanation

Mayor Pro Tem Mewborn had asked that this discussion be placed on the August agenda as to what it would take to open a License Plate Agency office in Ayden, whether it be privately owned or a municipal office. At that time, it was reported to the Town Board, that fairly recently, it may have seen some Facebook conversation about why isn't there a License Plate Agency Office in Ayden like the one in Farmville operated by the Town itself, and more specifically, why doesn't the Town of Ayden also operate a License Plate Agency Office out of Town Hall.

Attached you will find the same power point that was provided in your August agenda packet, that on the internet from 2014, which makes it recent enough to use. The power point explains what it takes to operate a License Plate Agency office. A representative of the DMV Raleigh Office reached by phone on July 12th by the Town Manager to ask what it takes to open a License Plate Agency office stated that they require an application from whoever is interested in opening such an office. From that point, DMV does what is essentially a "market analysis" to determine if such an office in a particular locale can be profitable – his word. They will not allow an office to open that does not have a profitable cash flow. Also, the building for the office has to be fully ADA compliant to include the restrooms, have adequate parking, has to have a large enough lobby area such that individuals in line are not lining up out the front door and has to have enough storage space to hold the boxes of license plates to be distributed to the customers. Basically, the DMV makes the call with its own criteria as to whether or not a License Plate Agency office can be located in a particular locale as a successful business.

Staff Comments

Town Board directed staff to place this matter on its September 10, 2018 agenda for a public hearing on the matter.

Action Requested

As the Town Board directs.

Mayor Tripp opened the public hearing. No one spoke. Mayor Tripp closed the public hearing.

C. Draft Vacant Commercial Building Code

Manager Harrell presented to the board.

Item Explanation

Earlier this year, the Town Board requested the Town's Main Street Committee be charged with developing a draft non-residential building code for the Board's consideration. This followed two stakeholder's meetings conducting by Town staff with commercial property owners. Commercial property owners who attended one of these stakeholders' meetings were invited to meet with the Main Street Committee at its May meeting and

discuss a staff initially drafted non-residential building code. Approximately 30 participants were at this May Main Street Committee meeting. Following this meeting, the code was further drafted based on the comments/input of that meeting and this draft was discussed with the Main Street Committee at its June meeting and further amendments were suggested at this meeting.

Enclosed you will find a recommended draft Vacant Commercial Building Code coming off the July meeting of the Main Street Committee that was discussed with the Town Board at its August 13, 2018 meeting and was scheduled by the Town Board for public hearing at its next regularly scheduled meeting on September 10, 2018.

Staff Comments

The enclosed draft code includes a provision for vacant commercial building code owners to annually register their buildings with the Town's Planning Department, to include a \$1000 annual registration fee, said fee to be effective one year following the adoption of the code. This registration fee was discussed at length at the Main Street Committee meeting and of the 20 attendees, all but two voted to recommend the draft code to the Town Board for consideration. One with a concern of the amount of the registration fee being too high and the other not wanting to have the one year delay of the fee being effective.

Note that the fee has two exemptions; i.e., if property is actively listed with a N.C. licensed realtor for sale or the property is being renovated under an active building permit in preparation for occupancy.

Action Requested

At the Board's directions.

Mayor Tripp opened the public hearing. Alice Cannon Parker, 4353 East Avenue, said she agreed with the draft but felt the cost needed to be looked at. She felt \$1,000 was too high. No one else spoke. Mayor Tripp closed the public hearing.

V. CONSENT AGENDA

- A. Minutes from the April 23, 2018 Budget Workshop
- B. Minutes from the April 30, 2018 Budget Workshop
- C. Proclamation Recognizing Public Power Week

- D. Authorization of Town Manager to Execute Land Use Plan and Unified Development Ordinance Contract with Stewart Consultants

Item Explanation

In the current FY18-19, \$80,000 was budgeted to conduct and complete a Land Use Plan and Unified Development Ordinance. This was last done for the Town in 2004.

It was reported at the Town Board's August 13, 2018 meeting that the Town staff issued a Request for Qualifications (RFQ) and two consulting firms responded with submittals, Stewart and Holland Consulting Company. Upon review of the two submittals, and staff's recommendation, The Town Board approved Stewart to do the work and passed this along to staff to meet with Stewart representatives to finalize the extent of the Scope of Services offered by Stewart in its submittal, determine the contractual price of the services and return to the Town Board at its September meeting for approval of the services and contract.

Staff Comments

Enclosed the Town Board will find the finalized Scope of Services after staff met with Stewart representatives. The contractual price of the services is \$44,000 for the Land Use Plan development and \$34,000 for the new Unified Development Ordinance, for a total of \$78,000. It is anticipated that the work will be completed by early spring 2020.

Action Requested

By motion, adopt resolution authorizing the Town Manager to execute Land Use Plan and Unified Development Ordinance Contract with Stewart Consultants



RESOLUTION NO. 18-19-05

Authorize the Town Manager to Execute Land Use Plan and Unified Development Ordinance Contract with Stewart Consultants

WHEREAS, in the current FY18-19, \$80,000 was budgeted to conduct and complete a Land Use Plan and Unified Development Ordinance. This was last done for the Town in 2004; and

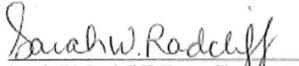
WHEREAS, enclosed the Town Board will find the finalized Scope of Services and contract after staff met with Stewart representatives. The contractual price of the services is \$44,000 for the Land Use Plan development and \$34,000 for the new Unified Development Ordinance, for a total of \$78,000. It is anticipated that the work will be completed by early spring 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Ayden, North Carolina, that the Town Manager is hereby authorized to execute Land Use Plan and Unified Development Ordinance Contract with Stewart Consultants

Adopted this the 10th day of September 2018 in Ayden, North Carolina.



ATTEST:


Sarah W. Radcliff, Town Clerk


Stephen W. Tripp, Mayor
Town of Ayden

Motion to approve the consent agenda.

Motion: Commissioner Langley

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

VI. ACTION ITEMS

- A. GUC Natural Gas Franchise Agreement and Compensation Agreement

Chris Padgett, Chief Administrative Officer for Greenville Utilities Commission, addressed the board.

Item Explanation

At the Town Board's June 11th meeting, the Board delayed approval of the enclosed Franchise Agreement and Compensation Agreement with GUC pending reaching out again to property owners, who are propane customers, who had not responded as to whether or not they would hook up to a provided GUC gas line.

Enclosed is the spread sheet that was provided by GUC in June of the five (5) areas in need of additional customers in order for GUC to economically be able to run gas lines into these areas.

Chris Padgett, CAO of the GUC, states that GUC, with the execution of the enclosed Franchise Agreement, is planning to move ahead extending service lines along those five (5) streets identified in GUC's survey with enough gas customers indicating they would switch from propane to natural gas to warrant the cost of the extended lines. As indicated in his email, with the Town of Ayden's help in securing additional customers, GUC would extend lines down the remaining four (4) streets. GUC representatives will be in attendance at the meeting.

In July, staff mailed invitations to some 450 property owners originally surveyed by GUC inviting them to a stakeholders' meeting on July 16th to discuss what is necessary for GUC's provision of natural gas into the surveyed areas. Approximately 50 persons attended this meeting. Staff followed this with a mailed survey to the some 240 property owners, with self-addressed, stamped envelopes in which to return the survey, who had not responded to GUC's original survey. Better than half are absentee property owners, some tied up with multiple heirs and a good number being owned by rental management firms. Of those mailed surveys, to date the Town has received seven (7) declining GUC service, eleven (11) indicating interest in becoming GUC customers and twenty (23) returned, undeliverable to the address provided.

- Although the High Street/Barwick area on GUC's spreadsheet indicates the six (6) customers who responded to the GUC survey is enough for GUC to run the gas line; the Town's survey picked up five (5) more interested property owners in this area.
- East Avenue area indicates a need for (6) more customers; Town's survey picked up two (2) more customers interested in GUC service and one who declined service.
- Kennedy Estates needed 19 additional customers and the Town's survey generated only two (2) in the positive. Many of the others in this area went to rental companies and/or addressee undeliverable.

Two additional notes:

- GUC as indicated above, is willing, with the execution of the Franchise Agreement, to move ahead to extend gas lines to the (5) areas that have enough customers. Any delay in the approval of the Franchise Agreement would impact the twelve (12) property owners in these five (5) areas, and now the additional five (5) in these areas that responded positively to the Town's survey, from receiving natural gas service.
- Without the Franchise Agreement, the GUC continues to operate a natural gas service within the Town of Ayden without the assurances and protections afforded the Town for GUC's use of Town of rights-of-way where its gas lines exist.

Staff Comments

Enclosed for the Town Board's consideration is the previously presented exclusive Franchise Agreement for GUC to allow its operation within the Ayden corporate limits. Additionally, enclosed is the previously presented Compensation Agreement whereby GUC would pay the Town of Ayden an initial payment of \$2,400 for the first year with a 2% per annum increase thereafter.

Recall that this in lieu of a fee tied to the Franchise Agreement, which is not allowed by state statute. Both agreements are for 15 years. In May, the Town of Winterville approved an exclusive 15 year Franchise Agreement with GUC and a 15 year Compensation Agreement. GUC has indicated that it would agree with 15 year terms with the Town of Ayden.

Action Requested

Authorize execution of GUC Franchise Agreement and Compensation Agreement.

Motion to authorize execution of GUC Franchise Agreement.

Motion: Commissioner Langley

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to authorize execution of GUC Compensation Agreement.

Motion: Commissioner Langley

Second: Commissioner Davenport

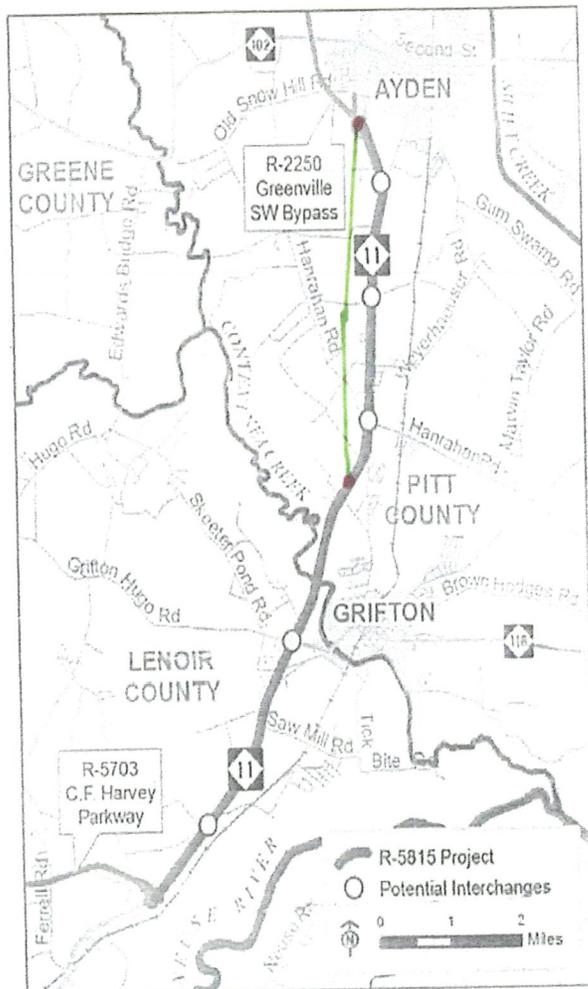
Discussion: None

Approved: 5-0

Motion passed unanimously.

B. Request to Support Dual Corridor Approach for NC 11

Mr. Ed Tyer addressed the board. He stated his approach would save everyone money. He presented the following map.



Item Explanation

Enclosed the Town Board will find a request and supportive documentation as provided by Mr. Edward Tyer of 8117 NC11 South. Mr. Tyer is proposing a dual corridor for NC11 south of Ayden to the Contentnea Creek bridge rather than solely upgrading the existing NC11 to interstate standards as presently planned in NCDOT plans for NC11.

Staff Comments

Mr. Tyer will be present to make his request. A drafted supportive resolution is enclosed for the Town Board's consideration, if it chooses to adopt such.

Action Requested

At the direction of the Town Board.

Mayor Tripp said he would like for the board to hear from the DOT on this matter as well.

No action was taken.

C. Request from Ayden Head Start to use Classroom at Arts & Rec. Building

Item Explanation

Ayden Head Start is requesting the use of a classroom at the Arts & Recreation Building for a once a month parents' meeting. Ayden Head Start reports that approximately 20 parents attend this approximately one hour monthly meeting – start time for the meeting is 8:30 a.m., with date and day of the week to be set. The Town Board is being requested to waive the \$50 rental fee for a four (4) maximum use of a classroom as set in the FY18-19 Annual Budget Ordinance Fee Schedule.

Staff Comments

As the rental fee is set in the Budget Ordinance, the fee can only be waived by the Town Board.

Action Requested

By direction of the Town Board.

Motion to allow Ayden Head Start to use the classroom at Arts & Rec. free of charge.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

D. Approve change in size and style of Recycle Bin

Item Explanation

The Town uses a 96 gallon green rollout for garbage which runs \$57.77 each. For recycling, the Town uses small open containers unless a citizen requests a larger bin. If they do, we provide them a 64 gallon blue rollout for \$65. Recyclable rollouts cost the town \$51.77 each. The smaller containers do not hold very much and deteriorate quickly. They also require manual lifting by staff.

Staff is recommending to phase out the smaller containers and replace with the 64 gallon blue rollouts. This will provide citizens more room for recyclables and no manual lifting by staff.

Staff Comments

Recommendation is to implement the use of the new recyclable rollouts over the next 24 months using the Town's four (4) utilities' cycles to disperse the new rollouts. Recommendation is to start with Cycle 3, our next to the smallest cycle with 373 customers covering primarily the southeast sector of town, providing the new roll outs to these customers – cost is \$17,437 plus shipping and can be worked into this year's budget. The remaining three (3) cycles would be done via two cycles in the next FY19-20 and the final cycle in FY20-21. Total cost of disbursing new rollouts to everyone is approximately \$100,000. Further recommendation is that anyone who wants a new rollout in advance of their cycle's disbursement, we would sell them at cost, \$51.77, instead of the current set price of \$65.

Picture of 64 gallon blue recyclable rollout



Action Requested

Approve change to larger recycle bin as described above.

The board would like for staff to bring back the costs to do everyone – approximately 1,931 rollouts. Mr. Taylor said he would bring that back to the board.

E. Community Development Block Grant – Neighborhood Revitalization (CDBG-NR) Application

Mike Barnett, McDavid Associates, presented to the board.

Item Explanation

The Town of Ayden staff held two separate stakeholders' meetings in early August to receive public input for the Town's intent to apply this fall for up to \$750,000 in federal Community Development Block Grant-Neighborhood Revitalization funds. The intended use of the funds is for grant eligible areas such as low to moderate income owner occupied housing improvements and community improvements that benefit low to moderate income persons. Enclosed are the results of the two meetings.

Mike Barnette of McDavid & Associates spoke with the Rural Economic Development Division (REDD) in Raleigh about the various projects suggested:

- 1) Although natural gas lines are an eligible item, as the lines are not directly linked to the provision of needed house improvements (the homes already have a source of heat), gas lines are not likely to be fundable. Doesn't mean Town can't apply for such, likely not competitive.
- 2) Storm water drainage also is not a hard tie to needed housing improvements and likely not fundable – again, Town can do so, but likely not competitive.
- 3) Air conditioning for the gym is eligible, and likely competitive, but only if it is tied to a new program and/or activity that Town is not currently providing and the population to be served by the new program/activity is low to moderate income – for example the elderly, by REDD definition, are low to moderate income, so sort of new programming/activity for elderly would be work. Providing air conditioning for existing programming to provide more comfort for participants and spectators would not be competitive. Mike advises that such a project would also be much less competitive, if it is one that would take a substantial piece of the grant funding, such as a third to half the funding, since the point of the CDBG-NR is primarily home improvements. Latest estimates of putting in air conditioning in the gym would have to include

replacement of all external doors with weather tight doors; insulation blown throughout the ceiling, as the current ceiling has absolutely no insulation at all, just the roof covering the building; and the HVAC unit with appurtenances has been estimated at some \$500,000. This project would take more than half of the \$750,000 grant, if awarded. Base on Mike's experience and discussions with REDD, this would most likely not be a competitive project given the costs, short of the Town contributing the substantive part of the costs.

With regard to transitional housing for the homeless, Mike says homeless, by REDD definition, are an eligible population group. However, transitional housing has to have a number of things already in place for it to be in a grant application. The organization that will operate the transitional housing has to be identified and committed to operating the facility, to include committed funding for the operation, additionally, the funding for transitional housing has to be "last money in"; i.e., funding for a substantial portion of the transitional housing has to already be in place. Mike informs that REDD has intention of another round of funding, another \$10 million, in early 2019, and, if the Board desires, we could work on finding a partner to operate and help fund the transitional housing between now and then, so the project can be put in an application in the round of funding in 2019.

The restrooms at the Arts & Recreation Building (the two in the main building the two in the gym lobby area) are sorely in need of improvement; both from a plumbing and ADA accessibility standpoint. Since the facility is used by elderly, disabled and low to moderate income, Mike says this improvement would be eligible and competitive. Staff is getting an estimate from MHA Architects for these improvements.

Staff Comments

Recall that the purpose of the CDBG-NR grant is primarily the improvements, rehabilitation and/or replacement of substandard owner occupied homes of the low to moderate income (low to moderate means persons whose income is 80% or less of median income for the area). Persons who do not have the means themselves to repair their own homes. This was the primary purpose of the previous 2012 CDBG-Catalyst Grant that the Town of Ayden received when three owner occupied substandard homes were replaced and the elevator added to the Arts & Recreation Building. Since that time, the Town has maintained a list of persons who own homes who have requested assistance from the Town for possible grants in the future. The CDBG grant has to specifically identify the homes to be included and McDavid & Associates are contacting these home owners and inspecting the homes to determine which would best qualify the Town for the grant monies. In the use of the 2012 grant funds, the demolition and replacement costs of the three substandard homes was approximately \$350,000.

The application for the CDBG-NR grant being developed by McDavid & Associates will cover rehabilitation/improvements of three (3) homes and the costs for improvements to the restrooms at the Arts & Recreation Building. Staff recommends that the Town Board authorize staff and McDavid & Associates to finalize the application for submittal to REDD.

Action Requested

By motion, authorize staff to finalize the CDBG-NR application and submit to REDD.

Manager Harrell stated the proposed action is to work with McDavid Associates to put together the application with \$250,000 for the air- conditioning of the gym and \$500,000 for the rehab of homes.

Motion to authorize staff to finalize the CDBG-NR application and submit to REDD.

Motion: Commissioner Davenport

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

F. AIA Grants and Funding

Agenda Item

Discuss pursuing funding applications for water and sewer system Asset Inventory and Assessment (AIA) Grants and funding to rehabilitate Lift Station No. 8 and rehabilitate sewer lines tributary to that lift station. The applications would be made to the North Carolina Department of Environmental Quality Division of Water Infrastructure for the Fall 2018 funding round. Applications are due September 28, 2018.

Background Information

The [Asset Inventory and Assessment \(AIA\) Grant Programs](#) provide grants for developing asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management program. The goal of the AIA grants is to inventory the existing water and/or sewer system, assess, evaluate and document the condition of inventoried infrastructure and help municipalities with developing the tools necessary to proactively manage their infrastructure assets in the future.

AIA Funding

The AIA grants are limited to \$150,000 maximum and are available through the State Reserve Program. A match is required based on how many of the Local Government Unit (LGU) indicators of percent population change, poverty rate, median household income (MHI), percent unemployment, and property valuation per capita exceed State benchmarks:

- 5 of 5 LGU indicators worse than the state benchmarks = 5% match
- 4 of 5 LGU indicators worse than the state benchmarks = 10% match
- 3 of 5 LGU indicators worse than the state benchmarks = 15% match
- < 3 of 5 LGU indicators worse than the state benchmarks = 20% match

Based on the state's Affordability Calculator, 4 of the 5 LGU indicators for Ayden are worse than the state benchmarks meaning Ayden would provide a 10% match (\$15,000), based on a \$150,000 grant award. The match requirement includes a 1.5% grant fee which must be paid. The remainder of the match (or a portion of it) can be achieved with in-kind services of the utility or by increasing the project scope by the amount of the required match. Realistic and adequate documentation of the utility's internal asset management team members' time would count as in-kind services.

Lift Station No. 8 and Sanitary Sewer Rehabilitation

Funding for sanitary sewer projects is available through the State Reserve Program (SRP) and/or the Clean Water State Revolving Fund (CWSRF).

- **STATE RESERVE PROGRAM:** The SRP funds wastewater projects up to \$3M per applicant and grant percentages are based upon affordability criteria and available funds. The fund has a total of \$6M available, statewide, for the Fall 2018 funding round and awards are based on competitive scoring of applications. Based on the state's current Affordability Calculator, the town is eligible for up to a 100% grant.
- **CLEAN WATER STATE REVOLVING FUND:** The CWSRF funds wastewater projects and is available to all local government units and offers low-interest loans of up to \$30M per applicant. A total of \$60M is available, statewide, for the Fall 2018 funding round.

The applications will be considered for both funding programs.

Action Items

The Town Board needs to formally adopt a resolution that it has a need for and intends to request state funding assistance to prepare Asset Inventory and Assessment (AIA) programs for the water and sewer systems and to rehabilitate Lift Station No. 8 and tributary sewers. Separate resolutions for the water and sewer system AIA programs must be passed as well as a separate resolution for the lift station/sewer line improvements project. Once the resolutions are approved, Municipal Engineering Services Company (MESCO)

will work with town staff to develop and prepare the funding applications and will submit the necessary documents to the State, by the September 28, 2018 deadline, to move the request forward.

Motion to approve Resolution 18-19-07.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

Motion passed unanimously.



RESOLUTION NO. 18-19-07

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of a wastewater collection system project, and

WHEREAS, The Town of Ayden has need for and intends to construct a wastewater collection system project described as the **Sanitary Sewer and Pump Station No. 8 Rehabilitation** project, and

WHEREAS, The Town of Ayden intends to request state loan or grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN BOARD OF THE TOWN OF AYDEN:

That Town of Ayden, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Ayden to make scheduled repayment of the loan, to withhold from the Town of Ayden any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Steven L. Harrell, Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

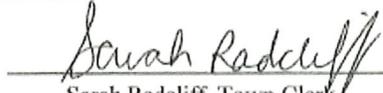
That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 10th day of September, 2018 at Ayden, North Carolina.


Stephen W. Tripp, Mayor



ATTEST:


Sarah Radcliff, Town Clerk

Motion to approve resolution 18-19-08.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.



RESOLUTION NO. 18-19-08

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of Sewer System Asset Inventory and Assessment, and

WHEREAS, The Town of Ayden has need for and intends to prepare a Sewer System Asset Inventory and Assessment, and

WHEREAS, The Town of Ayden intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN OF AYDEN GOVERNING BOARD:

That Town of Ayden, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State AIA Grant award.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system.

That Steven L. Harrell, Town Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a AIA grant to aid in the project described above.

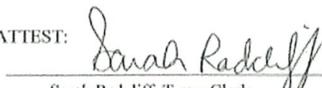
That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 10th day of September, 2018 at Ayden, North Carolina.


Stephen W. Tripp, Mayor

ATTEST:


Sarah Radcliff, Town Clerk



Motion to approve Resolution 18-19-09.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.



RESOLUTION NO. 18-19-09

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of **Water System Asset Inventory and Assessment**, and

WHEREAS, The Town of Ayden has need for and intends to prepare a **Water System Asset Inventory and Assessment**, and

WHEREAS, The Town of Ayden intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN OF AYDEN GOVERNING BOARD:

That Town of Ayden, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State AIA Grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system.

That Steven L. Harrell, Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a AIA grant to aid in the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 10th day of September, 2018 at Ayden, North Carolina.


Stephen W. Tripp, Mayor

ATTEST:


Sarah Radcliff, Town Clerk



G. Request from Pitt County Schools for a School Resource Officer

Chief Stanley addressed the board.

Item Explanation

Pitt County School District is asking the Town of Ayden to provide a police officer to serve as School Resource Officer at the Elementary and Middle Schools in Ayden. Pitt County School District has received a two year grant to fund School Resource Officers in every school in the county. They will pay one hundred percent of the salary and benefits for the position. They will not provide money for a vehicle.

Staff Comments

Enclosed the Town Board will find a proposed contract from Pitt County School District for the provision of the SRO Position.

Action Requested

At the Board's discretion, by motion, approve the enclosed resolution authorizing the Town Manager to execute the contract with Pitt County School District for a School Resource Officer provided by the Ayden Police Department and funded entirely by the School District.

Motion to approve the enclosed resolution authorizing the Town Manager to execute the contract with Pitt County School District for a School Resource Officer provided by the Ayden Police Department and funded entirely by the School District.

Motion: Commissioner Davenport

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.



RESOLUTION NO. 18-19-10

To Authorize the Town Manger to Execute Contract with Pitt County School District to Fund a School Resource Officer Position

WHEREAS, Pitt County School District is asking the Town of Ayden to provide a police officer to serve as School Resource Officer at the Elementary and Middle Schools in Ayden. Pitt County School District has received a two-year grant to fund School Resource Officers in every school in the county. They will pay one hundred percent of the salary and benefits for the position. They will not provide money for a vehicle.

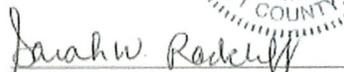
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Ayden, North Carolina, that it is authorizing the Town Manager to execute the contract with Pitt County School District for a School Resource Officer provided by the Ayden Police Department and funded entirely by the School District.

Adopted this the 10th day of September 2018 in Ayden, North Carolina.




Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:


Sarah W. Radcliff, Town Clerk

H. Amendment to Town's Rental Policy

Item Explanation

Paragraph one of the enclosed Town's Facilities Rental and Use Policy (seen enclosed policy), as originally adopted, reads:

1. The lessee of town properties must be at least twenty-five (25) years of age, and must be a bona fide member of the organization or agency requesting rental of the facility. In the case of an individual requesting rental of the facility, they must be a customer in good standing of the Ayden utility system, except for organizations wishing to lease the auditorium, in which case they must produce a copy of the organization's IRS 501(c)3 Public Charity Approval letter to prove they belong to a legitimate non-profit organization. The person requesting to enter into a rental use agreement must present a valid North Carolina Driver's License or some other form of photo identification that identifies the individual's age and residency address.

Staff Comments

As noted above, rentals of Town facilities requires that an individual be a Town utilities customer. In practice, Town staff realizes that often enough a rental is in a customer's name but is actually being rented for use by a non-resident of the Town – if you are not a customer, by definition you also cannot be a resident. Many municipalities have differential rates for residents and non-residents for the rental of municipal facilities – i.e., 50% more for non-residents. Staff suggests possible consideration for rentals by non-residents be allowed, but at a higher rate. For the example given, a non-resident renting the larger Veterans' Park shelter would be \$90 per day vs. \$60 for a Town utilities' customer. Of course, a rate higher than 50% more could be considered, as well. This would generate some level of extra income to the Town.

Action Requested

At the direction of the Town Board.

The board asked staff to bring back price comparisons from other communities.

I. Adoption of Resolution for LGC Approved Project Fund Agreement for USDA Sanitary Sewer I&I Project

Item Explanation

Attached is a resolution for adoption by the Ayden Town Board on September 10th as prepared by the Town's bond counsel for this project, Womble Bond Dickinson. The resolution reflects comments from bond counsel. Attached, also, are two documents prepared by the BB&T's counsel. The first is the "Project Fund Agreement", which is an agreement under which the note proceeds will be held by BB&T, pending disbursement on the Project. The second is a "Wire Transfer Agreement," setting up the procedures to be followed by the Town, if funds held under the Project Agreement are to be expended via wire transfer. Both of these documents are now expressly referenced in the authorizing resolution.

Staff Comments

Recommendation is to adopt the enclosed resolution.

Action Requested

By motion, adopt enclosed resolution.

Motion to adopt resolution 18-19-11.

Motion: Commissioner Ross

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to approve the wire transfer agreement.

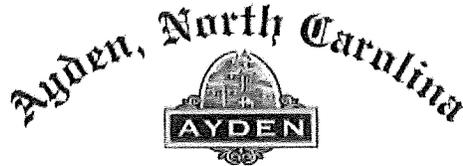
Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.



RESOLUTION NO. 18-19-11

The Board of Commissioners for the Town of Ayden, North Carolina, met in a regular meeting at the District Courtroom, second floor of Town Hall 4144 West Avenue in Ayden, North Carolina, the regular place of meeting, at 7:00 p.m. on September 10, 2018.

Present: Mayor Stephen W. Tripp, presiding, and Commissioners Ross, Mewborn, Langley, Davis and Davenport

Absent: None

Also Present: Steven L. Harrell, Town Manager; Sarah Radcliff, Town Clerk

* * * * *

Town Manager Harrell introduced the following resolution the title of which was read and a copy of which had been previously distributed to each Commissioner:

**RESOLUTION PROVIDING FOR THE ISSUANCE OF A \$916,000
WATER AND SEWER SYSTEM REVENUE BOND ANTICIPATION
NOTE, SERIES 2018**

BE IT RESOLVED by the Board of Commissioners (the "Board") for the Town of Ayden, North Carolina (the "Town"):

Section 1. The Board has determined and does hereby find, declare and determine:

- (a) The Board on July 5, 2007 adopted a Bond Order (the "Bond Order") designating the existing water and sewer system of the Town as the "System" thereunder, and providing that revenue bonds of the Town may be issued under the provisions of The State and Local

Government Revenue Bond Act, Article 5 of Chapter 159 of the North Carolina General Statutes, as amended (the "Act"), such revenue bonds to be secured by the revenues of the System as provided in the Bond Order and the Act.

(b) The Town has determined to make certain "System Improvements" to the System consisting of replacement of aged sewer lines (the "Project"). The Town proposes to finance the Project through the issuance of "Additional Bonds" under the Bond Order, consisting of not exceeding \$916,000 Water and Sewer System Revenue Bonds of the Town (the "Bonds") to be issued pursuant to the Act and the Bond Order.

(c) The Bond Order authorizes the Town to issue revenue bond anticipation notes in anticipation of the receipt of the proceeds of the sale of the Bonds.

(d) The United States of America Department of Agriculture - Rural Development has committed to purchase the Bonds in the aggregate principal amount of not to exceed \$916,000 to evidence a loan to the Town, the proceeds of which will be applied, together with certain other funds, to provide the permanent financing of the Project. Notwithstanding the commitment of the United States of America Department of Agriculture - Rural Development to provide permanent financing, it will be necessary to issue a bond anticipation note (the "Note") in the principal amount of \$916,000 in anticipation of the receipt of the proceeds of the sale of a like amount of the Bonds, the proceeds of the Note to be applied to the payment of a portion of the cost of the Project.

(e) Branch Banking and Trust Company has agreed to purchase the Note in the principal amount of \$916,000 to evidence a loan to the Town, which sum will be applied to the payment of a portion of the cost of the Project.

(f) The Local Government Commission of North Carolina is expected to approve at its meeting on September 11, 2018 the application of the Town for approval of the Bonds as required by N.C.G.S. §159-85, the issuance and private sale of the Bonds to USDA and the issuance and private sale of the Note under the provisions of Article 9 of Chapter 159 of the General Statutes of North Carolina, as amended;

(g) The Town is a governmental unit with general taxing powers, the Note is not a private-activity bond, as defined in the Internal Revenue Code of 1986, as amended (the "Code") and 95 percent or more of the net proceeds of the Note are to be used for local governmental activities of the Town.

Section 2. Subject to the provisions of the Bond Order, the Board hereby approves the issuance of Water and Sewer Revenue Bonds of the Town in amount not to exceed \$916,000 for purposes of paying the costs of the Project and the sale thereof to USDA. Such Bonds shall not be issued and sold to USDA until the Project has been completed.

In anticipation of the receipt of the proceeds of the sale of a like amount of the Bonds, the sale and issuance, pursuant to the Bond Order, the Act and Article 9 of Chapter 159 of the General Statutes of North Carolina, as amended, of a \$916,000 revenue bond anticipation note of the Town is hereby authorized, which note shall be designated "Water and Sewer System Revenue Bond Anticipation Note, Series 2018" (the "Note"), shall be dated the date of delivery thereof, shall mature on February 19, 2020, and shall bear interest at the rate of 3.07% per annum, which interest shall be payable upon maturity of the Note and shall be calculated on the basis of a 360-day year consisting of twelve 30-day months. No interest coupons shall be attached to the Note. The Note will be payable as to both principal and interest at Branch Banking and Trust Company in Charlotte, North Carolina, and both the principal of and the

interest on the Note shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

The Note shall be a special obligation of the Town payable from the proceeds of the sale of a like amount of the Bonds and from the Net Revenues (as defined in the Bond Order). Neither the credit nor the taxing power of the Town is pledged for the payment of the Note and no holder of the Note has the right to compel the exercise of the taxing power by the Town or the forfeiture of any of the Town's property in connection with any default thereon.

The Note shall be sold to Branch Banking and Trust Company, Charlotte, North Carolina at a purchase price of \$916,000, such purchase price and the interest rate set forth above being in the best interests of the Town.

Section 3. The Note shall be signed by the Mayor and the Town Clerk of the Town and the official seal of the Town shall be impressed on the Note. The form of the Note and the endorsement to be placed upon the reverse thereof shall be substantially as follows:

No. R-1 \$916,000

United States of America
State of North Carolina
County of Pitt

TOWN OF AYDEN
WATER AND SEWER SYSTEM REVENUE BOND ANTICIPATION NOTE
SERIES 2018

The Town of Ayden, North Carolina (the "Town"), a municipal corporation duly organized and validly existing in the County of Pitt, North Carolina, is justly indebted and for value received hereby promises to pay, solely from the sources and as hereinafter provided, to Branch Banking and Trust Company or its registered assigns, on the 19th day of February, 2020, the principal sum of

NINE HUNDRED SIXTEEN THOUSAND DOLLARS

and to pay interest thereon from the date hereof, calculated on the basis of a 360-day year consisting of twelve 30-day months, solely from such sources, at the rate of three and seven-hundredths per centum (3.07%) per annum, payable upon maturity. Both the principal of and the interest on this Note are payable at Branch Banking and Trust Company in Charlotte, North Carolina, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. This Note is issued pursuant to and in accordance with Article 5 and Article 9 of Chapter 159 of the General Statutes of North Carolina, both as amended, a bond order adopted by the Board of Aldermen (the "Board") for the Town on July 6, 2007 (the "Bond Order"), and a resolution adopted by the Board on September 10, 2018 (the "Note Resolution"). This Note is issued in anticipation of the receipt of the proceeds of the sale of a like amount of the Town's Water and Sewer System Revenue Bonds, and the proceeds hereof shall be used to pay a portion of the cost of the Project (as defined in the Resolution).

This Note is a special obligation of the Town payable solely from the Net Revenues (as defined in the Bond Order) and from the proceeds of said Water and Sewer System Revenue Bonds of the Town. Neither the credit nor the taxing power of the Town is pledged for the payment of this Note and no holder of this Note has the right to compel the exercise of the taxing power by the Town or the forfeiture of any of the Town's property in connection with any default hereon. Reference is hereby made to the Bond Order and the Note Resolution and to all amendments and supplements thereto for a description of the provisions, among others, respecting the nature and extent of the security, the rights, duties and obligations of the Town, the rights of the holder of this Note and the terms upon which this Note is issued and secured.

The principal balance of this Note is subject to prepayment in whole at any time without penalty

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this Note have happened, exist and have been performed in regular and due form and time as so required.

IN WITNESS WHEREOF, the Town, pursuant to a resolution adopted by the Board, has caused this Note to be signed by the Mayor and the Town Clerk of the Town and the official seal of the Town to be impressed hereon, all as of the 10th day of September, 2018.



Boyle Tripp
Mayor

Sarah W. Rodcliff
Town Clerk

[To be endorsed upon reverse of Note]

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within Note has been approved under the provisions of The State and Local Government Revenue Bond Act of North Carolina, as amended.

GREG C. GASKINS
Secretary, Local Government Commission

L.G.C. No.: _____

Mayor Tripp asked Rich Moore to come forward to give an update on Montclair. He asked if we could do something temporarily until the project got started. Mr. Moore said it wouldn't be worth the money. He said they had contacted some other contractors and they will not do it unless they get the whole job. Mayor Tripp said the residents have a true concern and we really need to finalize this process. He said if nothing is done by the end of September, they will need to look at other options to get the project completed.

VII. ITEMS FOR DISCUSSION

A. Economic Developer Position

Item Explanation

As reported last month, I met a very qualified candidate for our open Economic Developer's position. Interviewed him twice, once over lunch in Zebulon (he lives in Chapel Hill) and then he made a trip to Ayden and we spent pretty much the day together; we toured our community, showed him our industrial parks, downtown, neighborhoods, etc. I had him meet with Brad Hufford of the Pitt County Development Commission to have a practicing Economic Developer vet him – Brad believed he would do a fine job as our Economic Developer. His references were impeccable and all spoke highly of him. Based on our interactions, I believed I had found our person for the job. I offered him the position and after a couple of days of consideration, he respectfully declined the position. He told me that after discussing the move further with his wife, they had decided to stay in the Chapel Hill area.

As you know, this is the second round of advertisements for the position. I received 17 resumes and only two really had the experience and credentials for an Economic Developer – in fact, were the only ones that actually

had worked as actual Economic Developers. Interviewed both and offered job to the second one, who opted not to accept.

This item was moved to Sept. 10th Town Board meeting for further consideration

Staff Comments

It was suggested last month that the Town Board consider employing another Code Enforcement Officer in lieu of the Economic Developer's position. Staff has discussed further and would recommend that the Town Board authorize the hiring of a Planning Technician/Code Enforcement Officer – position description enclosed. Such a position would provide to Town Planning Department the added ability to more readily effectively provide planning services to developers, businesses and general property owners, as well as, additional code enforcement inspections, allowing our Community and Economic Development Director more opportunity to work in the area of economic development.

Action Requested

At the Board's direction.

The board directed staff to bring back job descriptions for Stephen Smith and Wayne Hardee and an explanation of what Stephen would do in the portion of his role as economic developer and what he would do in his portion of his role as planning director. Commissioner Langley wants a report on the level of work that Wayne faces in code enforcement – how many cases per month, kinds of cases, etc.

VIII. INFORMATION

A. Staff Departmental Reports

There was no discussion.

IX. BOARD MEMBER COMMENTS

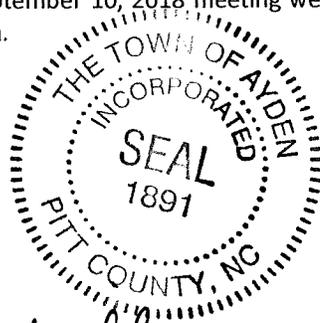
Commissioners thanked everyone for coming and encouraged everyone to get prepared for the storm.

X. ADJOURNMENT

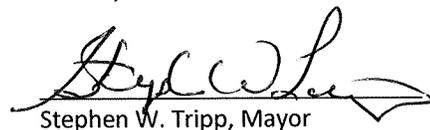
Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 9:22pm.

CERTIFICATION

Minutes from the September 10, 2018 meeting were adopted and certified this 8th day of October 2018 in Ayden, North Carolina.



AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor

ATTEST:


Sarah W. Radcliff, Town Clerk

