

**TOWN OF AYDEN  
GOVERNING BOARD MEETING  
MINUTES**

**October 8, 2018**– 7:00 pm

District Courtroom – 2<sup>nd</sup> 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

Motion to approve the agenda.

Motion: Commissioner Ross

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

Motion passed unanimously.

**II. PUBLIC COMMENTS**

Clifford Stang, 3927 Winchester Drive, addressed the board. Mr. Stang stated he presented a petition to the town manager with 18 signatures to put a ditch in his neighborhood. He wanted to know why it wasn't

brought up for discussion. Attorney Dixon stated the public comment period was not a time for questions and answers with the board.

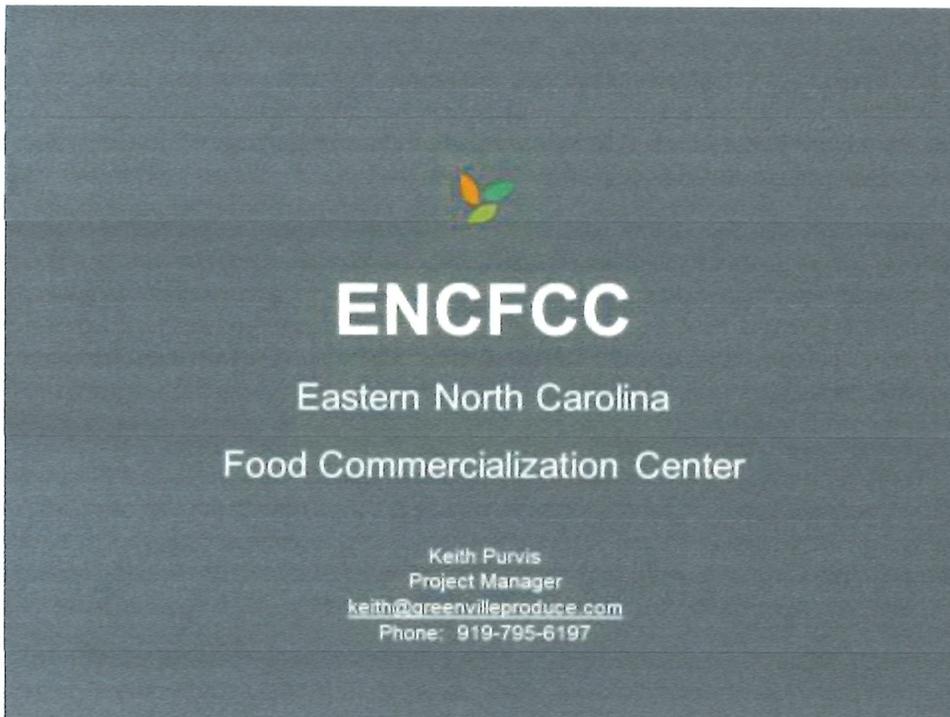
### III. PRESENTATIONS

#### A. Eastern North Carolina Food Commercialization Center

##### **Item Explanation**

Mr. Keith Purvis, owner of Greenville Produce and the Project Manager for the ENCFCC, will be in attendance to make a power point presentation on the current status of the ENCFCC.

Mr. Purvis gave the following PowerPoint presentation.



# Board of Directors for ENCFCC



Owned and operated by a 501(c)3 non-profit

Eastern North Carolina Food Commercialization Center

John Chaffee, NC East Alliance

Steve Tripp, Mayor of Ayden

Stacy Ham, Ham Farms

Dr. K.P. Sandeep, NCSU

David Mayo, ECU

Sterling Tripp, NC Works

Brad Hufford, Pitt County

## Goal of ENCFCC



Eastern North Carolina Food Commercialization Center



To launch a 24,000 square-foot food commercialization center in Pitt County to facilitate the growth of the food processing industry in eastern North Carolina.



# Vision

Eastern North Carolina Food Commercialization Center

The development and launch of the food commercialization center will advance innovative solutions that foster collaboration, improve the regional economy and promote well-being for all North Carolinians.

The ENCFCC will have an immediate impact on the food and agricultural industries of eastern North Carolina.



# Operations

Eastern North Carolina Food Commercialization Center



## Food Processing Services

Provide custom food processing services to area food companies, retailers, specialty shops and entrepreneurs.



## Partner with Distributors

Provide post-harvest services to produce farmers in the region, including cleaning and sorting of vegetables, packaging, cold storage and staging of deliveries.



## Value-Added

Provide value-added services such as flash freezing and fresh cut packaging.



How we plan to grow as a non-profit operation.

# Source of funding



Eastern North Carolina Food Commercialization Center

The ENCFCC Board estimates the center's cost at \$6.3 million to construct, equip, and operate the first three years.

- **\$200,000**  
Pitt County awarded to work site
- **\$2,800,000**  
Construction cost for 21,000 sq. ft. building
- **\$2,300,000**  
Food processing equipment
- **\$1,000,000**  
Working capital

The Town of Ayden has provided cash and in-kind support to the project.

Source funds will be sought for securement through the U.S. Economic Development Administration, NC General Assembly, Pitt County, the Town of Ayden, among others.

The business model is a blended organizational approach for a non-profit/for-profit center enabling the ENCFCC to be self-sustaining beyond first three years.

## Potential Partners

The ENCFCC is a collaborative effort with broad support. State and academic institutions are committed to providing services through the center.



NC State University



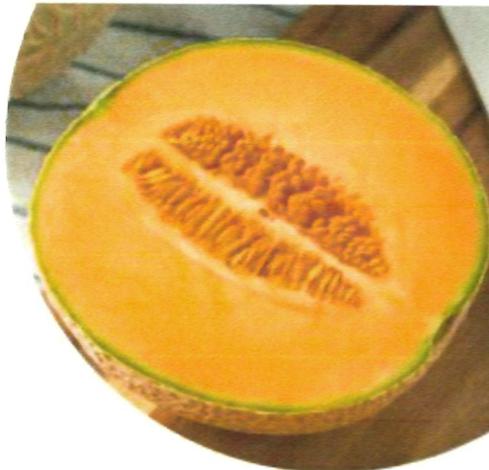
Pitt Community College



NC Dept. of Agriculture



East Carolina University



The project has received formation guidance and commitment from the Town of Ayden, Pitt County, NCEast Atlantic and the NC Department of Commerce.

## What's Next?

Raising Awareness

Ascertaining demand or needs of farmers and food companies

Securing funding commitments from local, state, federal and private sources

We need your support



# THANKS

Any Questions?

Keith Purvis  
Project Manager  
[keith@greenvilleproduce.com](mailto:keith@greenvilleproduce.com)  
Phone: 919-795-6197

### B. US Small Business Administration Office of Disaster Assistance

#### **Explanation**

Mr. Corey Williams, Public Information Officer with the SBA Office of Disaster Assistance will be in attendance to present SBA assistance information for those businesses negatively affected by Hurricane Florence.

**Staff Comments**

Mr. Williams explained that local, although there was basically not much physical damage with Hurricane Florence in Ayden, negative impacts on, for instance, sales by local businesses to those who cannot travel to Ayden from areas that were impacted heavily by Florence, might generate compensatory circumstances by those businesses that could be considered by SBA.

**Action Requested**

No action required. For information purposes only.

**IV. PUBLIC HEARINGS**

A. Zoning Text Amendment – Tammy Oneal – Article 4 (districts) Section 4-11

Planning Director, Stephen Smith, presented to the Board.

**Item Explanation**

The applicant is requesting a zoning text amendment to Section 4-11 (Table of Permitted Uses) – see enclosed table.

**Amend– Manufactured Home, Class B as a Conditional Use (C) in the RA-20 Zoning Districts**

**Additional Information**

*Manufactured Home (Mobile Home) Class A.* A double- or triple-wide manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- (a) The home has a length not exceeding four times its width;
- (b) The pitch of the home’s roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (c) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (d) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
- (e) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

*Manufactured Home (Mobile Home) Class B.* A single-wide manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.

**Staff Comments**

Currently the Town of Ayden Zoning Ordinance only allows Manufactured Homes, Class B as a use by right in the MH Zoning District. Manufactured Homes, Class A are currently allowed by conditional use in the RA-20 Zoning District. The applicant is asking that the Table of Permitted Uses be amended to allow Manufactured Homes, Class B as a Conditional Use in the RA-20 Zoning District. Staff recommends approval of Zoning Text Amendment.

At the Planning Board’s September 17<sup>th</sup>, 2018 meeting, the Planning Board voted 6-1 to recommend approval.

**Action Requested**

Conduct a Public Hearing

Make a motion to approve or deny the enclosed Zoning Text Amendment Ordinance No. 18-19-08. As a part of the motion, one of the following consistency statements must be read per state statute:

Based on the information provided at the public hearing and in the staff report, and the policies of the Town Comprehensive Plan, the Board finds that the request is consistent with the aforementioned plan and is reasonable and in the public interest and I move to approve Zoning Text Amendment Ordinance No. 18-19-08.

- OR -

Based on the information provided at the public hearing and in the staff report, and the policies of the Town Comprehensive Plan, the Board finds that the request is not consistent with the aforementioned plan and is not reasonable and in the public interest and I move to deny Zoning Text Amendment Ordinance No. 18-19-08.

Mayor Tripp opened the public hearing. Cathy Vandiford Thomas, Bruce McCrea and Tammy Oneal spoke in favor of the request. Mayor Tripp closed the public hearing. Ms. Oneal also passed out letters to the board from property owners and business owners who are in favor of her request.

Based on the information provided at the public hearing and in the staff report, and the policies of the Town Comprehensive Plan, the Board finds that the request is consistent with the aforementioned plan and is reasonable and in the public interest and I move to approve Zoning Text Amendment Ordinance No. 18-19-08.

Motion: Commissioner Langley

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.



ORDINANCE NO. 18-19-08

AN ORDINANCE ADOPTED BY  
THE GOVERNING BOARD OF THE TOWN OF AYDEN, NC  
AMENDING THE TOWN OF AYDEN OFFICIAL ZONING ORDINANCE

WHEREAS, following due advertisement announcing a public hearing as provided by law, the Town of Ayden Governing Board held a public hearing on October 8<sup>th</sup>, 2018, to receive public comments regarding a request for a zoning text amendment submitted by Tammy Oneal, to modify the Permitted Use Table as shown in Article 4, Section 4-11; and

WHEREAS, the Town of Ayden Planning Board at its September 17<sup>th</sup>, 2018 meeting voted 6-1 to recommend approval of the Zoning Text Amendment; and

WHEREAS, the Town of Ayden Governing Board heard all evidence and arguments presented and all reports from Town Staff pertaining to said application and hereby approves the Zoning Text Amendment as requested.

NOW, THEREFORE, BE IT ORDAINED, by the Town of Ayden Governing Board that Article 4, Sections 4-11 of the Town of Ayden Zoning Ordinance is hereby amended as follows:

**Amend– Manufactured Home, Class B as a Conditional Use (C) in the RA-20 Zoning Districts**

BE IT FURTHER ORDAINED, by the Town of Ayden Governing Board, that this ordinance shall take effect immediately upon its adoption.

Adopted this the 8th day of October 2018 in Ayden, North Carolina.

ATTEST:

  
Sarah W. Radcliff, Town Clerk



AYDEN, NORTH CAROLINA

  
Stephen W. Tripp, Mayor

**V. CONSENT AGENDA**

- A. Minutes from the June 4, 2018 Budget Workshop
- B. Minutes from the August 13, 2018 Board Meeting
- C. Minutes from the September 10, 2018 Board Meeting

Motion to approve the consent agenda.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0  
Motion passed unanimously.

## VI. ACTION ITEMS

- A. Request from "A Place in the Heart" to use classroom at Arts & Rec Building

### Item Explanation

The theater group, "A Place in the Heart", which has the Town Board's permission to produce theatrical plays in the Arts & Recreation Building rent free, is requesting designation of a classroom, rent free, in the building for its use. Use would be for rehearsals, storage of material, office space, etc. Currently, the Town provides rent free classroom space for the theatrical group Smiles & Frowns. It should be noted that Smiles and Frowns has had a practice of periodically donating funds to the Town and/or or paying for improvements to the theater, usually annually.

### Staff Comments

The Art & Recreation Building does have several classrooms currently being used as storage by the Town – material being stored is nearly entirely of the nature that need to be disposed of and Arts & Recreation staff are already developing plans do so. The classroom contemplated would be the one on the second floor that has a single door entrance with a lock and key.

Representatives of "A Place in the Heart" will be in attendance to make its request.

### Action Requested

At the direction of the Town Board.

Representatives from "A Place in the Heart" were not present so Manager Harrell suggested tabling this to the November meeting so the board could hear from the applicant.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

- B. Request from Rosa Daniels to use classroom at Arts & Rec Building

### Item Explanation

Ayden Middle School last year was using a free rental classroom in the Arts & Recreation Building for an in-school suspension program and the students were overseen by Ms. Rosa Daniels. This school year the middle school is no longer conducting this program, however, Ms. Daniels would like to continue to use this same classroom for an afterschool program.

### Staff Comments

Ms. Daniels is requesting that the Town Board approve the continued free use of the classroom for her afterschool program.

### Action Requested

At the direction of the Town Board.

Motion to allow Ms. Daniels to continue to use the classroom free of charge.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

C. Amendment to Town Rental and Use Policy

Manager Harrell presented to the Board.

**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.

As noted above, rentals of Town facilities requires that an individual be a Town utilities customer. (Town of Ayden facilities rental fees enclosed). 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.

This item was tabled by the Town Board pending staff finding out what the neighboring municipalities charge for park rental fees and discussing whether or not our fees should be lowered to better attract more use of our parks.

**Staff Comments**

Attached is the table of rental fees for Park Picnic Shelters for the parks of the City of Greenville. Greenville is charging non-residents 50% more for rental of the shelters.

Attached, also, are the park shelter rental rates for the Town of Winterville. Winterville has a differential in resident vs. non-resident rental fees ranging from 40 to 50 percent depending on whether the rentals are by the hour, half-day or full day.

Farmville Recreation Director Matt Johnston reports that the town rents shelters for \$25 for a half-day and \$40 for a full day to town residents and \$40 for a half day and \$55 for a full day for non-resident, 60% and 37.5% differential, respectively.

Our rates for shelter rentals in Veterans Park and J.J. Brown Park compare favorably with these three other communities. Our rates at the shelters at District Park are higher, especially the large shelter at District Park, which is higher than even charges for non-residents in the other towns.

Please note that any change in fees will require a Budget Ordinance amendment, as the fees are adopted as a part of the annual budget ordinance. It is recommended that if the Town Board opts to amend the fees, that staff bring back the budget ordinance amendment at the Town Board's November 12<sup>th</sup> meeting.

**Action Requested**

At the direction of the Town Board.

Commissioner Langley asked if someone inspects the property after the use by the renter to determine whether or not the deposit is returned. Ms. Radcliff stated there is not a deposit or refund for use of the shelters, only for rental of the Community Building, Old Town Hall and the Auditorium. Commissioner Langley asked if we needed to add that to the policy. Mayor Pro-tem Mewborn stated the policy states "Except for non-profit, charitable, or town sponsored organizations and events, town properties and facilities shall not be leased for profit or gain unless approved by the Town Manager." He asked what criteria is being used to determine whether it is kosher to rent it for profit or gain. Manager Harrell stated he had not been asked to rent anything for a profit event. Commissioner Davis asked what the purpose of renting it would be if you wouldn't see a profit. Manager Harrell said staff could bring back some clarification on the policy.

Motion to table the item until the November board meeting in order to bring back some more information.

Motion: Commissioner Langley

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

D. Approve change in size and style of Recycle Bins

**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 recommended on Sept. 10th 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.

Recommendation was 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.

At September 10<sup>th</sup> meeting, discussion was to bring back costs for ordering a full 2000 carts to cover the final three (3) cycles. Enclosed is the quote for ordering the 2000 – savings on costs of carts for ordering in this bulk is \$2,400 which could be ordered in the new FY19-20.

**Staff Comments**

Staff recommends moving forward with supplying Cycle 3 with blue carts as stated above during this fiscal year – recommendation is to do this in late spring closer to the new FY19-20 to better coincide with the final

order of 2000 in the new FY19-20. This is a change in the last recommendation, which was to purchase the new carts over three fiscal years; i.e., FY18-19, FY19-20, and FY20-21.

Picture of 64 gallon blue recyclable rollout



**Action Requested**

Approve change to larger recycle bin as described above.

Commissioner Langley asked why the town is paying for the costs of the new bins and not charging the consumers. Manager Harrell said that would be up to the Board. Mayor Tripp said the customer is paying for it because they pay for sanitation in their bill. Manager Harrell said that was correct, the customer is paying a fee each month on their utility bill to cover the costs. Mayor Pro-tem asked if we knew what percentage of the homes were involved in the recycling program. Manager Harrell said he did not know, but he knew every home did not participate. Mayor Pro-tem said if we could educate the public more about recycling, we may get more participation.

Motion to move forward with the purchase of the larger bins as staff recommends over this fiscal year and next fiscal year.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

E. Adoption of 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.

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.

The Town Board conducted a public hearing on the enclosed draft ordinance at its September 9, 2018 meeting.

**Staff Comments**

Enclosed is the draft Vacant Commercial Building Code in a form for the Town Board to adopt, if it so decided.

**Action Requested**

At the Board's directions.

Commissioner Langley asked if letters were sent to the building owners. Manager Harrell said they were and we held two stakeholder meetings. Commissioner Langley stated the Main Street Committee had recommended waiting a year before collecting the fee to give property owners time to comply. Commissioner Langley stated he agreed with everything in the ordinance except that the fee be charged immediately upon adoption of the ordinance. He said he hoped we didn't have to collect many fees because he wanted the buildings to be occupied. He said of the fees that are collected, he would like for the money to be put into the façade program as well as look into an incubator program for entrepreneurs.

Motion to approve the ordinance with the change that the \$1,000 registration fee will be effective immediately following adoption of the code.

Motion: Commissioner Langley

Second: Mayor Pro-tem Mewborn

Discussion: Mayor Tripp asked who would determine the evidence of vacancy. Manager Harrell stated the code enforcement officer. Mayor Tripp said he could appreciate Commissioner Langley's urgency to get this started; however, he felt making it effective immediately would not be appropriate. Mayor Tripp stated out of respect and consideration for the property owners, we need to give them some time to become compliant. He stated in reference to how the money is used, he was in favor of using it towards the improvement of downtown. Manager Harrell said we are not geared up to send out bills next week, but staff will work to start identifying buildings that are not in compliance. He said it could take 4-6 weeks to get that done. Mayor Tripp asked if the property owner had time to rectify what he needs to in order to be compliant. Manager Harrell said the \$1,000 registration fee is not geared towards compliance with the code.

Approved: 5-0

Motion passed unanimously.



ORDINANCE NO. 18-19-09

**TO AMEND CHAPTER 156. NONRESIDENTIAL MAINTENANCE CODE OF THE  
TOWN OF AYDEN CODE OF ORDINANCES IN ORDER TO REGULATE VACANT  
COMMERCIAL BUILDINGS IN AYDEN**

WHEREAS, the Ayden Board of Commissioners has determined that in order to best address the appearance and maintenance of vacant commercial buildings that are located within the jurisdiction of the town, vacant commercial building maintenance standards shall be adopted and enforced.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Ayden, North Carolina, that the town Code of Ordinances is amended by adding **Section 156.05.01 Vacant Commercial Building Maintenance** as follows:

**SECTION 156.05.01: VACANT PROPERTY MAINTENANCE**

(A) **Intent and Scope.** The Town finds that the presence of commercial buildings exhibiting evidence of vacancy pose special risks to the health, safety and welfare of the community and therefore require heightened regulatory attention. The provisions of this Section shall apply to all properties in the B-1 and B-2 Business Districts of the Town of Ayden.

(B) **Definition.** For purposes of this Section, "Evidence of Vacancy" means any aesthetic condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, extensively chipped or peeling exterior paint, exterior walls in poor condition, porches and steps in poor condition, roof in poor condition, broken windows and other signs of general disrepair, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds, shutters, the absence of furnishings or personal items consistent with commercial habitation, statements by neighbors, passersby, delivery agents, governmental employees that the Property is vacant.

(C) **Maintenance Requirements.**

Properties subject to this Section shall be kept in compliance with the following maintenance requirements:

(1) Evidence of Vacancy.

(a) The exteriors of building(s)/structure(s) on the Property shall be painted and maintained in a way that does not exhibit any Evidence of Vacancy.

(b) The yard(s) of the Property shall be maintained in a way that does not provide Evidence of Vacancy.

(c) The deck(s) and porch(s) located on the Property shall be maintained in a way that does not provide Evidence of Vacancy.

(d) The window(s) and door(s) of building(s)/structure(s) of the Property shall be intact and operable and shall be maintained in a way that does not provide Evidence of Vacancy.

(e) Instances of rotting of building(s)/structure(s) of the Property or portion thereof shall be corrected in order to eliminate visible rotting in a way that does not exhibit any Evidence of Vacancy.

(f) The storefront(s) and façade(s) of building(s) shall be maintained in a way that does not provide Evidence of Vacancy.

(g) The interiors, when visible to passersby through storefront windows, shall be maintained in a way that does not exhibit Evidence of Vacancy.

(2) Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Masonry shall be repointed, as necessary, to prevent bricks or members from falling or coming out. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering, cladding or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building or structure envelope, and the perimeter of windows, doors and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(3) Premises' Identification. All primary buildings shall have approved address numbers placed in a position, and of such size, to be plainly legible and visible from the street or road fronting the property. Address numbers shall be Arabic numbers or alphabet letters. The numbers used shall be made of durable and visible material, which contrasts with the background material upon which it is placed.

(4) Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(5) Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be in such condition as to prevent the entry of rodents and other pests.

(6) Exterior walls. All exterior walls shall be free from holes, breaks and loose or rotting materials and maintained weatherproof and properly surface coated where required to prevent deterioration.

(7) Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof shall not contain more than (2) roof coverings. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

(8) Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(9) Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, including all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(10) Chimneys, flues, vents. There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling or in such condition or location as to constitute a fire hazard. All chimneys, flues and vent attachments thereto shall be maintained structurally sound. Chimneys, flues, gas vents or other draft-producing equipment which are in use shall provide sufficient draft to develop the rated output of the connected equipment and shall be structurally safe, durable, smoke-tight and capable of withstanding the action of flue gases.

(11) Handrails and guards. All exterior porches, landings, balconies, stairs and fire escapes, and the like, shall be provided with banisters, railings or guards, which are properly designed, firmly fastened, capable of supporting normally imposed loads and maintained in good condition to minimize the hazard of falling and the same shall be kept structurally sound, in good repair and free of defects.

(12) Window, skylight and doors. Every window, skylight, door and frames thereof, shall be in sound condition, good repair and weather tight. There shall be no cracks, holes or open spaces around window and door frames. All glazing materials shall be maintained free from cracks and holes. Windows and doors shall be maintained free from broken or missing glass. Broken or missing glass may not be replaced with material other than glass. Every window, other than a fixed window, shall be easily operable and capable of being held in position by window hardware. Voids within exterior walls which are created for the purpose of, or once contained a window or door, shall not remain without a window or door. Exterior windows, exterior spaces missing or partially missing windows, exterior doors and exterior spaces missing or partially missing doors in buildings, whether vacant or occupied, shall not be covered with masonry or other similar material and shall be filled with a window or door. Glazing shall not be painted in opaque paint except for signage meeting the requirements of the zoning ordinance. Windows within the same building shall match in terms of material and general design.

(13) Shutters. As an alternative to a glass window, can be allowed on the second floor of a two story building/structure and the third floor of a three story building/structure provided all the standards noted above in paragraph (12) for sound condition, good repair and weather tightness are adhered thereto. Additionally, the shutters shall be of a durable material and of a style, material and color as to match the color, material, historical nature and architectural style of the building/structure.

(14) Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units in a building/structure shall tightly secure the door.

(15) Basements. All crawlspace doors, basement doors and hatchways shall be maintained to prevent the entrances to dwellings units shall tightly secure the door.

(16) Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of vermin.

(17) Egress. Every building shall be provided with adequate means of egress as required by the State Building Code. Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Code.

(18) Building security. The property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (including but not limited to walkthrough, sliding and garage), gates pet doors and any other such opening of such size that it may allow a child to access the interior of the property or structure(s). Broken windows shall be replaced and/or re-glazed; windows shall not be boarded up. Doors, windows or hatchways for buildings shall be provided with devices designed to provide security for the occupants and property within. Basement hatchways that provide access to buildings shall be equipped with devices that secure the unit from unauthorized entry.

(19) Loose materials. The building and environs surfaces shall be kept clear of: cracked or broken glass; loose shingles; loose wood; crumbling stone or brick; loose, broken, tattered or torn plastic; or other dangerous objects or similar hazardous conditions.

(20) Exterior Surface Maintenance. Exterior surfaces shall be maintained in such material or treated in such a manner as to prevent deterioration.

(21) Rubbish. Buildings and environs shall be kept clear of accumulations of garbage, trash, or rubbish which create health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary way.

(22) Overhanging and Protruding Objects. The building and environs shall be kept free of loose and insufficiently anchored overhanging objects which constitute a danger of falling on persons or property. The building and environs shall be kept free of objects and elements protruding from building walls, roof and environs which are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets and other brackets and similar objects.

(23) Holes and Breaks in Walking Surfaces. The environs shall be kept free of insufficiently protected holes, excavations, breaks, projections, obstructions and other such dangerous impediments on and around walks, driveways, parking lots and other areas which are accessible to and generally used by persons on the premises.

(24) Gutters and Downspouts. Gutters and downspouts shall be replaced or repaired as necessary and shall be appropriately located so as not to cause a hazard to pedestrian, vehicular traffic or property.

(25) Drainage. All yards and environs shall be properly graded and maintained so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

(25) Accessory Structures and Appurtenances. Attached and unattached accessory structures and appurtenances shall not cause a nuisance or safety hazard.

(26) Signs. Advertising sign structures, attached or freestanding, awnings, marquees and their supporting members and other similar attachments and structures shall not cause a nuisance or safety hazard.

**(D) Registration.**

(1) Any vacant commercial property located within B-1 and B-2 Business Districts of the Town of Ayden must be registered by the owner with the Town's Planning Department either (a) by the owner's own accord before receiving a Notice of Registration Requirement, or (b) within 30 days of the owner receiving a Notice of Registration Requirement from the Town.

(2) The Town will send a Notice of Registration Requirement to the owner of record of properties that are vacant. The owner shall register property within the time period set forth in paragraph (1) of this section unless the owner can provide clear and convincing evidence to the Planning Department Director, or his designee, within such time period, that the property is not vacant.

(3) The registration shall contain:

(a) The name of the owner (corporation or individual);

(b) The direct street/office mailing address of the owner and post office box, if applicable;  
and

(c) A direct contact name and phone number.

(4) Any changes in the information in paragraph (3) of this section shall be reported to the Planning Department within 30 days of such changes.

(5) Registration must be renewed annually.

(6) Vacant properties shall remain subject to the annual registration, maintenance, and security requirements of this article as long as they remain vacant.

(7) Once the property is no longer vacant or is sold, the owner must provide written proof of occupancy or sale to the Planning Director.

(8) Registration of a vacant commercial property does not excuse the owner from compliance with any other applicable ordinance, regulation, or statute, without limitations, with regard to the

owner's vacant property. By accepting an owner's registration, the Planning Department has not determined that the vacant property being registered is in compliance with an applicable, local or state regulation or law.

(E) **Fees.** Effective immediately following the adoption of this code, annual registration of \$1,000 shall be collected upon registration of the vacant property and collected annually on the renewal of the registration. Fees will not be pro-rated.

(F) **Exemptions.**

(1) A vacant commercial property that is actively listed with a licensed NC realtor and offered for sale or lease for a period of no more than one calendar year shall be exempt from the annual vacant commercial property registration fee subject to the following condition:

(a) The exemption can be extended for an additional year upon proof of good faith marketing of the property by a licensed realtor and compliance with all applicable town ordinances.

(2) A vacant commercial building that is being renovated under an active building permit for the purpose of preparing it for occupancy shall be exempt from the annual vacant building registration fee subject to the following conditions:

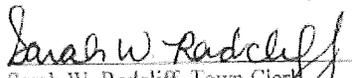
(a) The property owner can demonstrate that the work being performed is pursuant to the acquired permit for the preparation of occupancy, lease or sale; and

(b) Inspections for the work covered under the permit are requested on at least a monthly basis.

Adopted this the 8<sup>th</sup> day of October 2018 in Ayden, North Carolina.

  
Stephen W. Tripp, Mayor  
Town of Ayden

ATTEST:

  
Sarah W. Radcliff, Town Clerk



F. **Appointment to the Ayden Arts & Recreation Board**

**Item Explanation**

Robin Whitten was filling an unexpired term on the Ayden Arts & Recreation Board that expired in September 2018. He is eligible to be appointed for a regular three-year term.

**Staff Comments**

The vacancy was advertised on the Town's website.

**Action Requested**

To consider appointing Robin Whitten to a three-year term that will expire in September 2021.

Motion to appoint Robin Whitten to a three-year term that will expire in September 2021.

**Motion:** Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: Mayor Tripp asked for clarification regarding the applicant. He stated the application says he teaches class for the Arts & Rec. Department. Mayor Tripp stated he understands that Mr. Whitten rents the space at the Arts & Rec. Center to teach his class. Manager Harrell said that was correct.

Approved: 5-0

Motion passed unanimously.

## **VII. ITEMS FOR DISCUSSION**

### **A. Economic Developer Position**

Manager Harrell presented to the Board.

#### **Item Explanation**

As reported in August, 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 was 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.

It was suggested at the Town Board's August meeting that it consider employing another Code Enforcement Officer in lieu of the Economic Developer's position. Staff discussed further and recommended in September 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.

The Town Board after further discussion tabled this item until its October 8<sup>th</sup> meeting.

#### **Staff Comments**

Board members requested descriptions of the current senior code enforcement position and the current community and economic developer's position, as enclosed. Additionally, a report on current levels and types of code enforcement in the town is being completed for distribution to the Town Board this Friday, as well as a report the tasks that our current Community and Economic Planner does with regard to planning and economic development, respectively.

#### **Action Requested**

At the Board's direction.

Commissioner Langley said he is an advocate for the Economic Developer position and would like it to remain as is and continue to pursue recruiting for that position. Manager Harrell said if that was the consensus of the Board, he would continue to pursue it. Mayor Pro-tem Mewborn said he felt we needed an Economic

Developer and a Human Resources officer and that is what we should concentrate on in order to grow our town.

**B. Liaison to the Ayden Housing Authority (AHA) Residents' Advisory Board (RAB)**

**Item Explanation**

Commissioner Langley requested that the Town Board consider appointing a member of the Town Board to be a liaison to the AHA Residents' Advisory Board.

**Staff Comments**

Regarding the status of the RAB, AHA staff has had a sign-up sheet but has not had a good response to date, so staff went ahead and scheduled a meeting for Oct 24 at 1:00. Staff is brainstorming ideas to hopefully draw a crowd. At this meeting we will give those who show the background and role of the RAB and see who wishes to participate.

A Residents' Advisory Board is not a required body under HUD regulations for a housing authority of the size of our authority (HUD requires such boards in authorities with 200 or more apartment units), although the AHA has had such a board in past years, but not so in the recent past. Efforts to reconstitute the RAB started early this past summer in conjunction with the residents' meetings on the HUD no smoking policy.

**Action Requested**

As the Town Board directs.

Commissioner Langley stated he recommended this because he is getting feedback from residents of the housing authority that they are interested in this. He stated he requested staff get out some information to the residents. Manager Harrell said staff is going to meet with the residents for October 24<sup>th</sup>. Mayor Tripp said he thought it was a great idea

Commissioner Langley volunteered to be the liaison to the board. Under general consensus, the board appointed Commissioner Langley as the liaison to the AHA Residents' Advisory board.

**VIII. INFORMATION**

**A. Staff Departmental Reports**

Manager Harrell stated Mr. Hardee is working to get information regarding ADA improvements to Town Hall. Mayor Pro-tem Mewborn said the library is doing great things and he is pleased with what they are doing. He stated there were some errors on the police report with the wards. Manager Harrell said he would make sure those were looked at more closely. Commissioner Langley asked what "Calls for Service" meant. Sergeant Butler stated that was anytime that they are dispatched to a location it is a call for service. Commissioner Langley said they have asked for more detail to be included in the report.

**IX. BOARD MEMBER COMMENTS**

The board thanked everyone for coming and thanked the employees for their work during Florence. Commissioner Langley stated he was grateful to see equipment in Montclair. Mayor Tripp thanked the volunteers for a very successful Collard Festival. He stated he heard that some of the officers had to drive their personal cars to block off roads for the parade. He asked the manager to check into that and the liability of it. He also asked for minutes from the Main Street meetings regarding the vote on the policy that was adopted tonight. Manager Harrell said he would send those to the board.

**X. CLOSED SESSION**

- A. Pursuant to N.C.G.S. 143-318-11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Motion to enter into closed session at 8:43pm.

Motion: Commissioner Ross

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to return to open session at 8:53pm.

Motion: Commissioner Ross

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to recess the meeting until Monday, October 29<sup>th</sup>.

Motion: Commissioner Davenport

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

Meeting was recessed at 8:53pm.

### **October 29, 2018**

#### **I. CALL TO ORDER**

##### A. Call to order

Mayor Pro-tem Mewborn called the meeting to order at 7pm.

##### B. Roll Call

Present:

Mayor Pro-tem Mewborn

Commissioners Ross, Langley and Davis

Absent:

Mayor Tripp

Commissioner Davenport

Also Present:

Steven Harrell - Town Manager

Sarah Radcliff- Town Clerk

Scott Dixon- Town Attorney

C. Adopt amended agenda

Motion to adopt the amended agenda adding a quasi-judicial hearing for a conditional use permit.

Motion: Commissioner Langley

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

D. Conditional Use Permit- Quasi-Judicial Hearing

Mayor Pro-tem Mewborn stated this matter required the board to conduct a quasi-judicial hearing, which means the body must find facts and base its decision upon the application of the ordinance standards/criteria and the competent, substantial and material evidence received during the hearing. All testimony must be competent and not repetitious. Speculative opinions and general expressions of fear of potential increases in crime, traffic or impacts on property values to not constitute competent evidence.

Attorney Dixon stated members of the board should disclose the following:

- 1) Any site visits
- 2) Ex parte communications
- 3) Specialized knowledge they have relevant to the case
- 4) Whether they have a fixed opinion that is not susceptible to change based on what they learn at the hearing
- 5) Whether they have a close familial, business or other relationship with the applicant or other affected person
- 6) Whether they have a financial interest in the outcome of the case
- 7) Any other information relevant to determining whether a conflict of interest exists.

Attorney Dixon stated the only ones who could speak are if you have legal standing in the case as determined by the Board or if you are the property owner. He said character witnesses could speak but would not be in a position to appeal the decision of the board.

Town Clerk Radcliff stated Commissioner Davenport had arrived and was now marked present.

Town Clerk Radcliff swore in the following individuals:

Stephen Smith  
Cathy Vandiford Thomas  
Bruce McCrea  
Joan Denton  
Donna Robinson  
Tammy Oneal

Planning Director, Stephen Smith, presented to the Board.

**Item Explanation**

The applicant is requesting a conditional use permit to install a Class B Manufactured Home in the RA-20 zoning district.

Zoning District: RA-20 (Residential/Agricultural District). The primary purposes of this district are agriculture and low density residential development on lots with a minimum size of 20,000 square feet, and further to

provide for certain other permitted and conditional uses as set forth in this section. This district is intended to ensure that residential development not having access to a public water system and dependent on septic systems for sewage disposal will occur at a low density to provide a healthful environment.

The property (Parcel #39472) is located at 7455 NC 11 South (See map) and is owned by Tammy Oneal. The Conditional Use process allows the town to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district. A conditional use permit can also provide flexibility within a zoning ordinance to enable the town to control certain uses, which could have detrimental effects on the community. Below is the definition of a Class B Manufactured Home:

*Manufactured Home (Mobile Home) Class B. A single-wide manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.*

#### **Staff Comments**

The application submitted has been deemed complete. The application and supporting documentation is included for your review. Action on a Conditional Use Permit will require a quasi-judicial hearing and the findings of fact must be addressed. Since this is a Conditional Use Permit, additional conditions can be added to the permit prior to approval. Staff supports the issuance of the Conditional Use Permit.

At their October 15th, 2018 meeting, the Planning Board recommended denial of the Conditional Use Permit. The Board found 6 of 7 required findings to be met. For a favorable recommendation, all 7 findings must be met.

*\*\*Included in your agenda packet is and excerpt from NCGS160A-388 stating the tenets of quasi-judicial hearings and findings, as well as an explanation of quasi-judicial hearings from Chapter 25 of the UNC School of Government 2014 publication "County and Municipal Government in North Carolina."*

#### **Action Requested**

Conduct a Quasi-Judicial Hearing. Motion to approve or deny the Conditional Use Permit.

Mayor Pro-tem Mewborn asked the applicant to come forward. Tammy Oneal stated she was requesting approval of the Conditional Use Permit so that she could move back into Ayden into her home. She stated she asked three times for the Planning Board to explain why they denied the permit and they never did. She stated after she received an explanation the following day, her response would have been that she shops in Ayden, she gets her hair cut in Ayden and gets gas in Ayden. She said it may not be a lot but she was a community member and has been since 1999. She said she would like to be able to continue to have her residence here in Ayden.

Cathy Vandiford Thomas, Bruce McCrea and Joan Denton spoke as character witnesses on behalf of Ms. Oneal. Donna Robinson stated she did not know the applicant; however she felt the permit should be granted.

Commissioner Davenport asked the applicant if she didn't know she had to have permission to have the singlewide. Ms. Oneal stated she did not know that. She said when the mover called her to move her doublewide, she asked him if everyone was in place and he replied yes. Commissioner Davenport asked who she asked. Ms. Oneal stated she asked the man who was hired to move the trailer. Ms. Oneal said the mover called her Wednesday morning, stated he was in Greenville trying to get the permit and was being told he had to get it from Ayden. Ms. Oneal stated the mover called Ms. Raynor and had the application set out and she (Ms. Oneal) went over and filled out the application. Ms. Oneal stated that within an hour Ms. Raynor had called her back and told her with the zoning of her property she could not put the trailer there. Ms. Oneal said she was not aware of any of this. Commissioner Davenport stated years ago there was a problem with trailers

all over Ayden and that was why the code was changed. Commissioner Davenport stated Ms. Oneal had made a mistake by not going to the Town first. Ms. Oneal said she had but she was a homeowner and didn't understand all of that. She said she hired the mover as a professional and thought they would know what they were doing. Commissioner Davis asked if the guy that was supposed to install the new trailer was the person she bought it from. Ms. Oneal said it wasn't. She said they had a gentlemen that they contracted out to move their homes. She stated she knew him personally and had contracted with him to move the trailer and pull the permits for her. Commissioner Davis said she put her trust in him because she thought he knew what he was doing. Ms. Oneal stated that was correct. Commissioner Ross asked if there other singlewides in the area. Ms. Oneal said there were and she presented pictures to the Board. Attorney Dixon stated we would keep the copies of the pictures for the file. Commissioner Ross stated when she saw the article in the newspaper she was angry with the decision of the Planning Board. She stated she didn't understand how they came to that decision. Commissioner Ross stated we are elected to serve the people, not see what obstacles we can throw in their way. She did not see how it would be a detriment to the citizens of Ayden. Commissioner Davenport stated she didn't have a problem with it, but wanted to know if everyone would be treated the same. Manager Harrell stated the board had amended the Zoning Ordinance at their last meeting to allow for singlewide mobile homes in RA-20 zones. He said in the future, applicants will have same right to a hearing as Ms. Oneal.

Mayor Pro-tem Mewborn read the Findings of Fact:

1. The use requested is listed among the conditional uses in the district for which application is made, or is similar in character to those listed in that district. YES (5-0)
2. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property. YES (5-0)
3. The requested use is essential or desirable to the public convenience or welfare. YES (5-0)
4. The requested use will be in conformity with the Town's land use plan. YES (5-0)
5. Adequate utilities, access roads, drainage, sanitation, or other necessary facilities have been or are being provided. YES (5-0)
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public streets. YES (5-0)
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located. YES (5-0)

Motion to approve the findings of fact.

Motion: Commissioner Langley

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

## **XI. ADJOURNMENT**

Having completed the business before them, Mayor Pro-tem Mewborn announced that without objection the Governing Board would stand adjourned at 7:41pm.

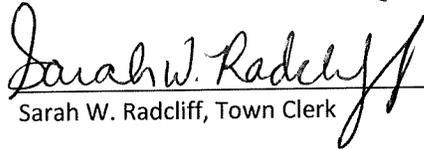
**CERTIFICATION**

Minutes from the October 8, 2018 and the continuation of the meeting on October 29, 2018, meeting were adopted and certified this 13<sup>th</sup> day of November 2018 in Ayden, North Carolina.

AYDEN, NORTH CAROLINA

  
Stephen W. Tripp, Mayor

ATTEST:

  
Sarah W. Radcliff, Town Clerk

