

**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

November 13, 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 Ross, Langley and Davis

Absent:

Commissioner Davenport

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 Commissioner Davis would like to remove item “C.” under “Items for Discussion” since it cannot be changed at this time. Motion to approve the amended agenda.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

II. PUBLIC COMMENTS

Terry Payne, 3419 Lyndale Drive, addressed the Board. Mr. Payne said he was unable to attend the last board meeting but he read some comments in the paper that were spoken by one of the board members. He stated he felt the Board of Commissioners worked as a team with the Planning Board and he was offended by the comments made in regards to the Planning Board.

III. PRESENTATIONS

A. Vacant Commercial Building Code

Item Explanation

Staff will be making a presentation on the progress of implementing the Vacant Commercial Building Code.

Staff Comments

As you recall, the Town Board adopted updates to the Non-Residential Building Code at their October 10th, 2018 meeting. The adopted code included a provision for vacant commercial building owners located in the B1 and B2 zoning districts to annually register their buildings with the Town's Planning Department, to include a \$1000 annual registration fee. Staffs presentation will discuss the steps taken to identify these structures and will discuss the next steps.

Action Requested

No action required. For information purposes only.

Planning Director, Stephen Smith, addressed the Board. Mr. Smith stated staff had begun surveying properties located in the B1 downtown district. He stated they had looked at 84 structures and 22 of those met the definition of having "evidence of vacancy". He said they have begun inspections of the properties. He stated they still had to go through the B2 zoning districts. Mr. Smith provided the Board with a copy of the cover letter and registration form that will be sent to the property owners. He stated they will be given 30 days from the receipt of the letter to register the property. He stated there were a couple of exemptions from the registration fee; 1. The property is listed for sale with a licensed real-estate agent; 2. Property owner has obtained a permit from the Pitt County Inspection's Dept. with plans to have the building occupied.

Commissioner Langley asked if there was a timeline for the B2 area. Mr. Smith stated he hoped to have everything wrapped up by the end of November, with letters being delivered by December 1, and by January 1, 2019, everyone should have their buildings registered.

IV. CONSENT AGENDA

- A. Minutes from the October 8, 2018 Budget Workshop
- B. Town Employees' Christmas Bonus

Manager Harrell stated there was a correction to this item He said it should say "all Town full time and **permanent** part time employees".

Agenda Item

Approve Christmas Bonus to Town Employees

Item Explanation

Request to authorize Christmas Bonus to all Town full time and part time employees as well as Police Reserve Officers.

Staff Comments

In years past, it has been customary for the Town Board to consider a Christmas Bonus to Town employees. Last year the Board approved each full time and part time employee and Police Reserve Officers receive a

\$300 Christmas Bonus. As in year's past, the bonus is considered part of an employee's pay and is grossed up to \$324.85 for Social Security and Medicare taxes so the employee receives a net \$300. The 18/19 budget anticipated this request and the associated costs were included in the approved 18/19 budget.

C. Budget Amendment for School Resource Officer

Item Explanation

The Town Board approved and entered into a contract with the Pitt County School District to provide a school resource officer to the Elementary and Middle Schools in Ayden at its September 10, 2018 Board meeting. Recall the Pitt County School District has received a two year grant to fund a School Resource Officer and will reimburse the Town for the cost associated with providing the officer. The adopted budget for fiscal year 18/19 did not include the funding source nor uses associated with providing a SRO to Pitt County Schools. A budget amendment is required to cover the revenue and expenditure associated with this transaction.

Staff Comments

This is the first budget amendment for Fiscal Year 2018/2019. The amendment is budget neutral.



ORDINANCE No. 18-19-10

ORDINANCE TO AMEND THE TOWN OF AYDEN
FY 18/19 BUDGET ORDINANCE

Budget Amendment 1

WHEREAS, the Pitt County School District has requested the Town of Ayden supply a School Resource Officer at the Elementary and Middle Schools in Ayden, and

WHEREAS, the Pitt County School District has agreed to reimburse the Town for the costs of a School Resource Officer, and

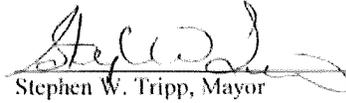
WHEREAS, the Town of Ayden has agreed to provide a School Resource Officer,

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Ayden authorize the addition and funding of a School Resource Officer and that the FY 18/19 budget ordinance be amended as follows:

General Fund	Current	Revision	Revised
Revenues/Other Financing Sources			
Local/State Grants	\$ 8,000.00	\$ 61,041.00	\$ 69,041.00
All Other General Fund Revenues and OFS	\$ 4,847,135.00	\$ -	\$ 4,847,135.00
Total Estimated Revenues and OFS	<u>\$ 4,855,135.00</u>	<u>\$ 61,041.00</u>	<u>\$ 4,916,176.00</u>
Expenditures/Other Financing Uses			
Police	\$ 953,864.00	\$ 61,041.00	\$ 1,014,905.00
All Other General Fund Expenditures and OFU	\$ 3,901,271.00	\$ -	\$ 3,901,271.00
Total Estimated Expenditures and OFU	<u>\$ 4,855,135.00</u>	<u>\$ 61,041.00</u>	<u>\$ 4,916,176.00</u>

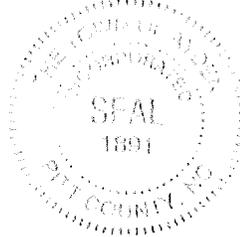
BE IT FURTHER ORDAINED by the Board of Commissioners of the Town of Ayden that this ordinance shall become in full force and effect upon adoption.

Adopted this the 13th day of November 2018.


Stephen W. Tripp, Mayor

Attest:

Sarah W. Radcliff, Town Clerk



Motion to approve the consent agenda with the correction to the language in the Christmas Bonus item.

Motion: Commissioner Ross

Second: Commissioner Davis

Discussion: None

Approved: 4-0

Motion passed unanimously.

V. 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 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.

Manager Harrell stated Michele Atwater was present to answer any questions.

Motion to allow A Place in The Heart to use a classroom in the Arts & Recreation building without paying a rental fee.

Motion: Commissioner Ross

Second: Commissioner Davis

Discussion: None

Approved: 4-0

Motion passed unanimously.

B. Consider award of construction for 2016 CDBG-Infrastructure Project

Item Explanation

The Town of Ayden has been awarded a \$968,000 Community Development Block Grant – Infrastructure (CDBG-I) funding package from the Division of Water Infrastructure to replace aged/deteriorating sewer lines in a defined target area.

Bids for construction were received on September 11, 2018. Central Builders, Inc. of Rocky Mount, NC submitted the low bid of \$628,515.00. Central Builders has not worked in Ayden before and they were requested to provide pre-award qualification information in accordance with the contract document.

A copy of the Recommendation of Award package from McDavid Associates, Inc. is attached for review. The award package includes a resolution that awards construction and amends the capital project budget ordinance.

Note that the budget ordinance adds expenditures related to acquisition of an easement (Strong Heirs) for an existing sewer line that presently exists under a private home located at the intersection of West Barwick Street and Joyner Street. The project will relocate the sewer line from under the house and will require an easement from the Strong Heirs. A separate agenda item is provided to offer compensation for easement acquisition.

Staff Comments

A representative from McDavid Associates, Inc. will be present to review the Recommendation of Award and answer questions.

Action Requested

By motion, approve resolution amending the budget and awarding construction contract.

Rich Moore, McDavid Associates, presented to the Board.



RESOLUTION 18-19-14
AMENDING CAPITAL PROJECT BUDGET ORDINANCE AND
AWARDING CONSTRUCTION CONTRACTS FOR
2016 CDBG INFRASTRUCTURE SEWER PROJECT
CONTRACT NO. 3 – SANITARY SEWER REPLACEMENT
TOWN OF AYDEN

- WHEREAS, The Town of Ayden has been awarded a Community Development Block Grant for infrastructure improvements from the Division of Water Infrastructure in the amount of \$968,000.00, and
- WHEREAS, Bids for construction of Contract No. 3 – Sanitary Sewer Replacements were received on September 11, 2018, and
- WHEREAS, Central Builders, Inc. submitted the low bid for Contract No. 3 - Sanitary Sewer Replacement in the amount of \$628,515.00, and
- WHEREAS, The Engineer has prepared a Recommendation of Award and balanced budget for Town Board consideration and approval,

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

That the attached project budget is hereby approved as amended for implementation of the 2016 CDBG Infrastructure Sewer Project.

That Contract No. 3 – Sanitary Sewer Replacement be awarded to Central Builders, Inc. for the low bid amount of \$628,515.00.

That Amendment No. 1 to the Technical Services Agreement is approved.

That the Mayor and Town Manager are authorized and directed to execute all documents associated with award of construction contracts on behalf of the Town of Ayden.

Adopted this the 13th day of *November*, 2018 at Ayden, North Carolina.



(SEAL)
Sarah Radcliff
Sarah Radcliff
Town Clerk

Stephen W. Tripp
Stephen W. Tripp, Mayor
Town of Ayden

PROJECT BUDGET ORDINANCE AMENDMENT
2016 CDBG INFRASTRUCTURE PROJECT 16-I-2712
TOWN OF AYDEN

	APPROVED BUDGET	CHANGES THIS AMENDMENT	BUDGET AFTER THIS AMENDMENT
REVENUES			
CDBG - Infrastructure Grant	\$968,000.00		\$968,000.00
Town of Ayden	\$0.00		\$0.00
Sales Tax Refund	\$0.00		\$0.00
TOTAL REVENUES	\$968,000.00	\$0.00	\$968,000.00
EXPENSES			
C-1 Sewer Improvements			
Construction	\$639,550.00	-\$11,075.00	\$628,515.00
Planning and Engineering Design	\$69,200.00		\$69,200.00
Construction Administration/Observation	\$91,900.00		\$91,900.00
Additional Services by Engineer			
AS_Program Amendment	\$0.00	\$2,500.00	\$2,500.00
AS-ESMT Acq/Neg Strong Site	\$0.00	\$2,000.00	\$2,000.00
AS-ESMT BS Strong Site	\$0.00	\$1,000.00	\$1,000.00
AS-ESMT Attorney Assist Strong Site	\$0.00	\$1,000.00	\$1,000.00
AS-PDS CN3-SS	\$10,000.00	\$12,021.25	\$22,021.25
Subtotal Additional Services	\$10,000.00	\$18,521.25	\$28,521.25
Reimbursable Expenses by Engineer			
Reimbursables	\$0.00		\$0.00
RE-Printing	\$2,000.00		\$2,000.00
Subtotal Reimbursables	\$2,000.00	\$0.00	\$2,000.00
Land/Easement Purchases			
Appraisal Services	\$0.00	\$2,400.00	\$2,400.00
Legal Services for Land Acquisition	\$0.00	\$750.00	\$750.00
Esmt Acq Strong Site	\$0.00	\$4,000.00	\$4,000.00
Subtotal Land/Easement Purchases	\$0.00	\$7,150.00	\$7,150.00
Reimbursables Expenses to Ayden			
NCDEQ Sewer Extension Permit Fee	\$0.00		\$0.00
NCDEQ Erosion and Sedimentation Permit Fee	\$130.00		\$130.00
Advertisement Fee	\$900.00		\$900.00
Subtotal Reimbursables (Owner)	\$1,030.00	\$0.00	\$1,030.00
Labor Compliance Monitoring	\$16,700.00		\$16,700.00
Contingency	\$41,120.00	-\$14,636.25	\$26,483.75
C-1 Sewer Improvements Subtotal	\$671,500.00	\$0.00	\$671,500.00
C-1 Administration			
Grant Administration	\$70,500.00		\$70,500.00
Reimbursables	\$0.00		\$0.00
Engineering Report	\$25,000.00		\$25,000.00
Legal/Misc	\$0.00		\$0.00
Contingency	\$1,000.00		\$1,000.00
C-1 Administration Subtotal	\$96,500.00	\$0.00	\$96,500.00
TOTAL EXPENSES	\$968,000.00		\$968,000.00
TOTAL REVENUES	\$968,000.00		\$968,000.00

Motion to approve resolution amending the budget and awarding construction contract.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 4-0

Motion passed unanimously.

- C. Consider purchase offer for easements for sanitary sewer replacement as part of the 2016 CDBG-I Project

Item Explanation

The Town operates a 15" diameter sanitary sewer line that extends down West Barwick Street and crosses under a residential home located at the intersection of West Barwick Street and Joyner Street owned by the Ruby Dixon Strong Heirs. Proposed sewer replacement activities will relocate the sewer line out from under

the home. To relocate the sewer line and provide future access for operation and maintenance, permanent easements are required from the Strong Heirs. In accordance with funding agency guidelines, an easement survey has been prepared and an appraisal performed. As part of the negotiation process, agency regulations require the Town establish just compensation for the acquisition of property (which is based on appraised value).

A copy of an easement map is attached (2 easements are needed from the Strong Heirs as sewer replacement impacts 2 land parcels, 1 a residential home and 1 an agriculture field).

A resolution is attached that approves just compensation for easements. The resolution provides authority to the Mayor and Town Manager to follow the just compensation process which can include negotiating with owners.

There is no other cost effective option to relocate the existing sewer main. Relocating to housing authority property conflicts with existing overhead utility poles.

Staff Comments

A representative from McDavid Associates, Inc. will be present to review the just compensation proposal and answer questions.

Action Requested

By motion, approve resolution approving acquisition just compensation to Strong Heirs.



RESOLUTION NO. 18-19-15
APPROVAL OF ACQUISITION JUST COMPENSATION
2016 CDBG INFRASTRUCTURE SEWER PROJECT
CONTRACT NO. 3 – SANITARY SEWER REPLACEMENT
TOWN OF AYDEN

- WHEREAS, The Town of Ayden has been awarded a Community Development Block Grant for infrastructure improvements from the Division of Water Infrastructure in the amount of \$968,000.00, and
- WHEREAS, The Town of Ayden must acquire easements to install sanitary sewer improvements and said acquisition is an eligible grant expense, and
- WHEREAS, CDBG-I Regulations regarding property acquisition require the Town of Ayden to establish Just Compensation for the acquisition of property and easements needed to install these sanitary sewer improvements.

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

That the Town of Ayden approves the following Just Compensation amounts for easements and property acquisitions in the 2016 CDBG-I program.

Tax Parcel	21542	\$1,615.00
Tax Parcel	01165	\$1,400.00

That the Mayor and Town Manager are authorized and directed to execute all documents associated with Just Compensation amount for tax parcel 21542 and 01165 on behalf of the Town of Ayden.

Adopted this the 13th day of November, 2018 at Ayden, North Carolina.



Sarah W. Radcliff
Sarah W. Radcliff
Town Clerk

Stephen W. Tripp
Stephen W. Tripp, Mayor
Town of Ayden

Rich Moore, McDavid Associates, presented to the Board.

Motion to approve resolution approving acquisition just compensation to Strong Heirs.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

D. Consider acceptance of Golden Leaf Foundation Grant

Item Explanation

The Town operates a 36" diameter concrete drainage pipe that conveys drainage from the north side of Town down Martin Luther King, Jr. Boulevard where it crosses and enters the Town's drainage system located behind commercial buildings along Third Street. A section of the 36" pipe is located beneath a building and is experiencing settlement. The Town submitted a financial assistance application to the Golden LEAF Foundation to relocate the drainage pipe (to allow access for operation and maintenance). Golden LEAF awarded the Town a \$102,000 grant. No local match is required.

Golden LEAF has submitted a grant agreement to the Town for review and acceptance.

A resolution is attached that accepts the funding offer, establishes a budget ordinance and authorizes planning to implement the project.

An extract from the application is attached that identifies scoping and observed problems with the existing drainage piping.

Staff Comments

A representative from McDavid Associates, Inc. will be present to review the just compensation proposal and answer questions.

Action Requested

By motion, approve resolution accepting Golden LEAF funding.



RESOLUTION 18-19-13
ACCEPTING GRANT AWARD AND
ESTABLISHING CAPITAL PROJECT BUDGET ORDINANCE
MARTIN LUTHER KING, JR. BOULEVARD STORM DRAINAGE IMPROVEMENTS
GOLDEN LEAF DISASTER RECOVERY PROJECT FY 2019-027
CONTRACT NO. 10 – STORM DRAINAGE IMPROVEMENTS
TOWN OF AYDEN

WHEREAS, the Town of Ayden has been offered a \$102,000 grant from the Golden LEAF Foundation to support expenses related to relocation of Town existing storm drainage line that conveys drainage from Martin Luther King, Jr. Boulevard to the Town's downtown drainage system along the Third Street corridor,

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

That the Town of Ayden accepts the grant award from the Golden LEAF Foundation and approves the grant agreement issued to the Town by the Golden LEAF Foundation.

That the attached project budget is hereby approved.

That technical services associated with approved project scope are authorized to begin by McDavid Associates, Inc.

That the Mayor is authorized and directed to execute all documents associated with award of the Golden LEAF grant on behalf of the Town of Ayden.

Adopted this the 13th day of November, 2018 at Ayden, North Carolina.




Stephen W. Tripp, Mayor
Town of Ayden


Sarah Radcliff
Town Clerk

MARTIN LUTHER KING, JR. BOULEVARD STORM DRAINAGE IMPROVEMENTS
 GOLDEN LEAF DISASTER RECOVERY PROJECT FY 2019-027
 CONTRACT NO. 10 - STORM DRAINAGE IMPROVEMENTS
 TOWN OF AYDEN

	CURRENT BUDGET	CHANGES THIS AMENDMENT	REVISED BUDGET
<u>REVENUES</u>			
Golden LEAF Grant	\$102,000.00	\$0.00	\$102,000.00
Sales Tax Refund	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
TOTAL REVENUES	\$102,000.00	\$0.00	\$102,000.00
 <u>EXPENSES</u>			
Construction			
<i>CN 10 - Storm Drainage Improvements</i>	<u>\$73,400.00</u>	<u>\$0.00</u>	<u>\$73,400.00</u>
Subtotal Construction	\$73,400.00	\$0.00	\$73,400.00
Contingency	\$7,300.00	\$0.00	\$7,300.00
Engineering	\$7,300.00	\$0.00	\$7,300.00
Construction Admin	\$3,500.00	\$0.00	\$3,500.00
Construction Observation	\$5,500.00	\$0.00	\$5,500.00
Legal	\$2,500.00	\$0.00	\$2,500.00
Reimbursables	<u>\$2,500.00</u>	<u>\$0.00</u>	<u>\$2,500.00</u>
TOTAL EXPENSES	\$102,000.00	\$0.00	\$102,000.00

Rich Moore, McDavid Associates, presented to the Board.

Motion to approve resolution accepting Golden LEAF funding.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 4-0

Motion passed unanimously.

E. Update to Montclair Drainage Improvements

Item Explanation

Construction of drainage pipe replacement within the Montclair Subdivision is underway. This agenda item is a presentation of the project status.

Outside of current scope, another sink hole has developed. Board action/direction is requested to address the observed problem.

A copy of a PowerPoint presentation is attached.

Staff Comments

A representative from McDavid Associates, Inc. will be present to review the PowerPoint presentation and answer questions.

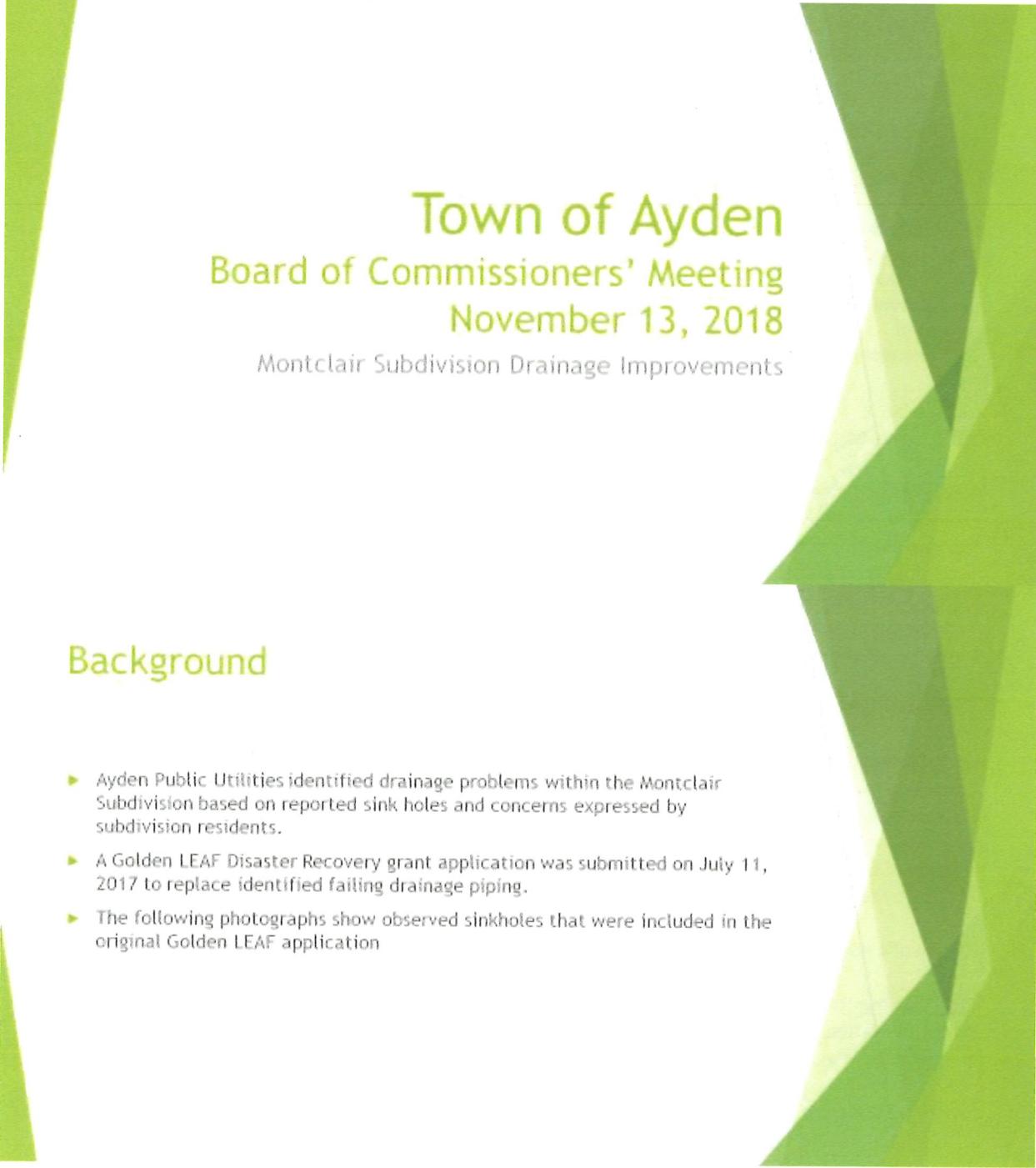
Note that there are two alternatives presented: \$60,000 to \$70,000 to replace the current 42 inch line with a 36" line or a point repair of \$10,000 at the sinkhole.

Currently, our stormwater repair budget has a balance of \$6,492.44 remaining from a line item of \$40,000. The recommended alternative above is the \$10,000 point repair using this \$6,492.44 balance and a General Fund fund balance transfer of the needed for the remaining \$3,507.56. Note that this will deplete the remainder of the budgeted line item for stormwater repairs.

Action Requested

By motion, approve action to address additional scoping within Montclair drainage area.

Rich Moore, McDavid Associates, presented to the Board.



Town of Ayden

Board of Commissioners' Meeting

November 13, 2018

Montclair Subdivision Drainage Improvements

Background

- ▶ Ayden Public Utilities identified drainage problems within the Montclair Subdivision based on reported sink holes and concerns expressed by subdivision residents.
- ▶ A Golden LEAF Disaster Recovery grant application was submitted on July 11, 2017 to replace identified failing drainage piping.
- ▶ The following photographs show observed sinkholes that were included in the original Golden LEAF application

Golden LEAF Application Photos



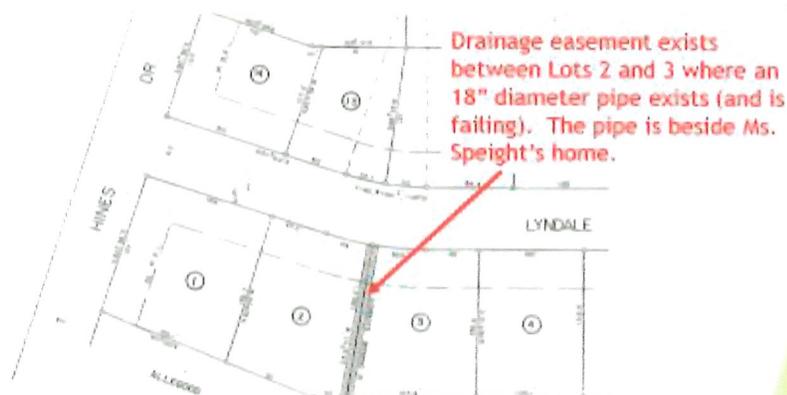
Golden LEAF Application Scoping Map



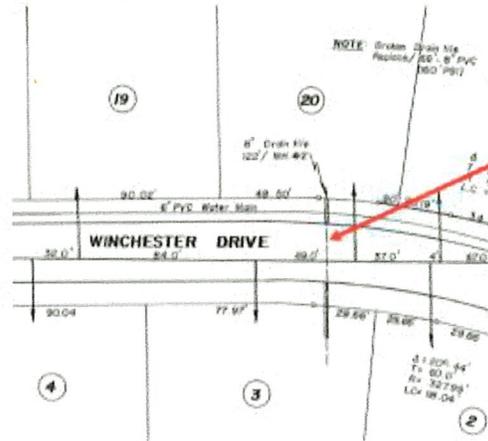
Planning and Design Process

- ▶ Planning and design revealed that the existing drainage pipe that extends from Hines Drive to Wellington Drive (in backyards of homes facing Winchester and Lyndale) was a 42" diameter corrugated metal pipe.
- ▶ A 42" diameter pipe extends to Wellington Drive where it transitions to a 30" diameter corrugated metal pipe that crosses Wellington and runs behind the homes facing Wellington.
- ▶ Historical maps of the subdivision also identified additional drainage systems, summarized on the following maps:

Planning and Design Montclair Estates Section I Map (Extract)



Planning and Design Montclair Estates Section II Map (Extract)



An 8" vitrified clay drain pipe exists from Lot 20, through Lot 3 that ties into drainage structure with 42" piping. 8" pipe flows constantly.

Planning and Design Montclair Estates Original Pipe Depth



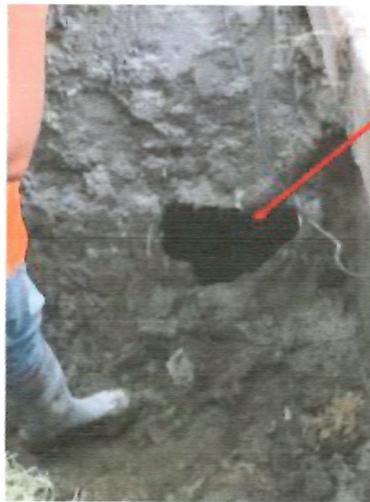
Existing 42" pipe has minimal cover.

Construction Photos



Prior to starting, the existing 48" pipe crossing Hines Drive was observed to be $\frac{1}{2}$ full of dirt. Contractor cleaned out the pipe and a portion of the ditch on the north side of Hines Drive. The 48" pipe was observed to have holes and groundwater infiltration. NCDOT has been contacted to take corrective action.

Construction Photos



Existing 42" pipe had a noticeable hole in the pipe at/near the existing inlet adjacent to Hines Drive

Construction Photos



Existing 42" pipe that is being replaced shows holes in the pipe that contributed to sink holes and debris that partially filled the pipe.

Construction Photos



Construction Photos



Construction Photos



Additional Drainage Concern (Outside Current Contracted Scope)

- ▶ Additional settlement areas have been observed along the existing piping between the area where construction is currently proposed to end and Wellington Drive. Additional settlement may be additional failure of the existing pipe.
- ▶ Effort to video inspect the existing piping were not successful due to dirt/debris in the pipe.
- ▶ The contractor excavated the settlement areas to try to determine cause.
- ▶ One of the settlement areas is a 3'-4' wide area and is 3' deep.
- ▶ The following photographs show the settlement area

Additional Drainage Concern (Outside Current Contracted Scope)



Additional Drainage Concern (Outside Current Contracted Scope)



Existing 42" pipe does not show significant holes as sections being replaced. At the large sink hole, an existing band that connects pipe joints has rusted and failed.

Additional Drainage Concern (Outside Current Contracted Scope)

- ▶ Options for additional settlement area
 - ▶ Replace existing 42" pipe with single 36" pipe from current contract completion to Wellington Drive (Estimated 402 LF with connection to existing boxes, projected cost = \$60,000 - \$70,000)
 - ▶ Perform point repair at the settlement area to cut out the area of the failed connection (recommend install a new drop inlet in place of patching pipe) (Projected cost = \$10,000)

F. Appointment to the Ayden Library Board

Item Explanation

Marty Stancil has resigned from the Library Board. She was serving a term that expired in September 2018.

Staff Comments

The vacancy was advertised in The Times Leader and on the Town's website. Staff received one new application, which is attached.

Action Requested

To consider appointing Dr. Monica Molini to a three-year term that will expire in September 2021.

Motion to appoint Dr. Monica Molini to a three-year term that will expire in September 2021.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

G. Appointments to the Ayden Arts & Recreation Board

Item Explanation

The following members of the Arts & Recreation Commission terms have expired:

Annette Harris – term expires November 2018

Cherry Stokes – term expired September 2018

Ashley Watkins – ETJ – term expired September 2018

Staff Comments

The vacancy was advertised in The Times Leader and on the Town's website. All three members are eligible for reappointment and have reapplied. Staff also received two new applications. Applications are attached for consideration.

Action Requested

To consider reappointing Annette Harris, Cherry Stokes and Ashley Watkins or appointing Eric Todd or Nichelle Shuck.

Motion to reappoint Annette Harris to a three year term that will expire in November 2021.

Motion: Commissioner Davis

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 4-0

Motion passed unanimously.

Motion to reappoint Ashley Watkins to a three year term to expire in September 2021.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 3-1

Commissioner Davis opposed.

Motion passed.

Motion to appoint Nicole Shuck to a three-year term that will expire in September 2021.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

H. Appointments to the Ayden Planning Board

Item Explanation

The following members of the Ayden Planning Board have resigned or their term has ended:

Clifton Daniels – term expired September 2018.

Kevin Smith – term expires October 2020 (resigned)

Victoria Killmon – Alternate Member – term expires November 2018

Buddy Bulow – ETJ member– term expired October 2018

Staff Comments

The vacancies were advertised in The Times Leader, The Daily Reflector, and on the Town’s Facebook page with a deadline of November 2nd. Staff received six applications, which are attached.

Action Requested

To consider the following:

Eligible Seat:

ETJ Member to expire in October 2021

Eligible Applicants:

*Heather Clayton

Wayne Harris

Jerry Cox

Motion to appoint Heather Clayton to the regular ETJ seat to a three-year term to expire in October 2021.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

Eligible Seat:

Regular Member to expire September 2021

Eligible Applicants:

Clifton Daniels (currently in this seat)

Eric Todd

Michael Doe

Motion to appoint Michael Doe to a three-year term to expire in September 2021.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

Eligible Seat:

Regular Member unexpired term to expire October 2020

Eligible Applicants:

Eric Todd

Michael Doe

Motion to appoint Eric Todd to an unexpired term that will expire in October 2020.

Motion: Commissioner Langley

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 4-0

Motion passed unanimously.

Eligible Seat:

Alternate Member to expire in November 2021

Eligible Applicants:

Eric Todd

Michael Doe

The board asked the clerk to readvertise for the alternate member position since Eric Todd and Michael Doe have been appointed to other seats.

*If Heather Clayton is appointed to the regular ETJ seat, the alternate ETJ seat will need to be filled. Eligible applicants for that seat are Wayne Harris and Jerry Cox.

Motion to appoint Wayne Harris to the alternate ETJ seat to an unexpired term that will expire in March 2019.

Motion: Commissioner Ross

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

Mayor Tripp stated at one time they had members of the Planning Board appointed by district so they had each district represented.

I. Appointment of a Liaison to the Ayden Chamber of Commerce

Item Explanation

Currently, Planning Director Stephen Smith is the Town's liaison to the Ayden Chamber of Commerce and his term expires the end of this calendar year.

Staff Comments

It is recommended that Stephen Smith be reappointed as the liaison for the calendar year 2019.

Action Requested

Consider appointing Stephen Smith as the Town's liaison to the Ayden Chamber of Commerce.

Motion to appoint Stephen Smith as the Town's liaison to the Ayden Chamber of Commerce board of directors.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

J. Leo Allen Venters Voluntary Annexation Request

Item Explanation

For your consideration, we have received a petition requesting voluntary annexation submitted by the Leo Allen Venters. The request includes a 21.635-acre tract located on Ayden Country Club Rd.

Staff Comments

This request for voluntary annexation of contiguous property must be reviewed in accordance with N.C.G.S. 160A-58.1. As such, the following steps are required:

- Board of Commissioners adopts a Resolution Directing the Town Clerk to Investigate the Sufficiency of the Petition - **November 13, 2018**
- Town Clerk provides Board of Commissioners Certificate of Sufficiency - **December 10, 2018**
- Board of Commissioners adopts a Resolution Setting a Public Hearing - **December 10, 2018**
- Board of Commissioners conducts Public Hearing - **January 14, 2019**
- Board of Commissioners considers Annexation Ordinance - **January 14, 2019**

Action Requested

Adopt Resolution Directing the Town Clerk to Investigate the Sufficiency of the Petition.



RESOLUTION NO. 18-19-12

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition filed by Leo Allen Venters requesting annexation of an area described in said petition was received on November 13th, 2018 by the Ayden Board of Commissioners; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Ayden Board of Commissioners of the Town of Ayden deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Ayden Board of Commissioners of the Town of Ayden that;

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify to the Town of Ayden the result of her investigation.

Adopted this the 13th day of November 2018 in Ayden, North Carolina.


Stephen W. Tripp, Mayor

ATTEST:


Sarah W. Radcliff, Town Clerk



Motion to adopt the resolution directing the Town Clerk to investigate the Sufficiency of the Petition.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

K. Assign Police Car to School Resource Officer

Item Explanation

The Town Board approved the Town of Ayden entering into a contract with the Pitt County School District to provide a SRO to be assigned to the Ayden Elementary and Middle Schools. Transportation is a necessity for the officer between the two schools.

Staff Comments

The Town has six marked patrol cars that are being removed from the fleet and disposed of through sale. In lieu of selling one of these cars, it is recommended that it be assigned to the new SRO for use in traveling between the two schools. Since the SRO resides in the Ayden town limits, it is recommended that the officer be allowed to drive the vehicle home reporting to the schools each morning.

Action Requested

Approve assignment of surplus police car to SRO in lieu of selling it.

Commissioner Ross made a motion to give the school resource officer the vehicle. There was no 2nd, therefore the motion died.

Mayor Pro-tem Mewborn wanted to know what would happen if the officer was sick. He asked if we would send someone there to get the car. Chief Stanley said they could do that or the officer could park the car at one of the two schools.

Motion to provide the car to the SRO officer with the requirement be parked at one of the two schools.

Motion: Commissioner Langley

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 4-0

Motion passed unanimously.

- L. Resolution accepting financing agreement for new police cars

Item Explanation

The Town has agreed to purchase a six (6) new police cars for the Police Department and have the vehicles financed. The finance department issued a Request for Proposals for financing from the three local banks – Southern Bank, BB&T, and PNC. Proposals were to be received by 5:00 pm, November 2, 2018.

Staff Comments

Town received one bid from Southern Bank - Three year term with annual payments due of \$59,694.00 on July 1, at 3.28% APR and a \$179 loan origination fee.

Action Requested

Approve lowest received bid.



RESOLUTION NO. 18-19-16
RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The Town of Ayden ("Town") has previously determined to undertake a project for the financing of a six (6) police cars, (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

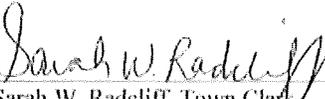
BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Southern Bank ("Southern Bank"), in accordance with the proposal dated November 2, 2018. The amount financed shall not exceed \$180,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.28%, and the financing term shall not exceed three (3) years from closing. A loan origination fee will not exceed \$179.00
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Southern Bank financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any

other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 13th day of November 2018.

By: 
Sarah W. Radcliff, Town Clerk

By: 
Stephen W. Tripp, Mayor



Mayor Tripp asked Mr. Taylor how much the principal amount of the loan was. Mr. Taylor said \$179,082. Mayor Tripp asked how much interest we would be paying. Mr. Taylor said it would be around \$5,900 for the first year, \$3,900 for the second year, and \$1,940 for the third year. Mayor Tripp said that was around \$12,000 and that was a lot of money, considering we would only get around \$3,200 for the surplus vehicles. Mayor Tripp said he still didn't understand why we were doing this. Commissioner Langley asked Chief Stanley about the vacant position. He asked if he had received any resignations. Chief Stanley said he hadn't had any resignations. Mayor Tripp asked how many applications he had received for the vacant position. Chief Stanley said he had received one application. Commissioner Langley asked how long ago the position was advertised. Chief Stanley said about a month ago.

Motion to approve financing of the police cars through Southern Bank.

Motion: Commissioner Langley

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 4-0

Motion passed unanimously.

M. Standby Pay

Item Explanation

Currently the Town has for years been paying time and a half for stand by pay. Stand by pay is for non-exempt employees required to be on "stand by" duty who are paid at the rate of three hours of pay each week. The current Town Personnel & Benefits Guide does not state the pay is at time and half. See enclosed excerpt.

Staff Comments

To ensure that written guidelines match this long established practice of paying time and a half for the three hours per week of standby pay, staff recommends that the Town Board formally approve this practice.

Action Requested

By motion, approve the payment of time and a half for standby pay.

Motion: Commissioner Langley
Second: Mayor Pro-tem Mewborn
Discussion: None
Approved: 4-0
Motion passed unanimously.

N. Amendment to Town Rental and Use 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.**

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 at its September 10, 2018 meeting to its October 8, 2018 meeting 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.

Presented at the October 8, 2018 meeting:

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.

Item was tabled again at the October 8, 2018 meeting pending a report back from the Town Manager with regard to paragraph 3 of the Town's rental policy having to do with renting Town facilities for "gain or profit", see below:

3. 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. In administering this policy, the Town Manager shall have the authority to determine whether an organization or event is non-profit, charitable, or town sponsored in nature, for functions and events proposed for the Arts and Recreation Community Center (including auditorium), Veterans Park (including the Baldree Shelter and the small shelter), Second Street Community Building, Old Town Hall, and other town facilities/properties that are leased.

Question raised in regard to this item is what criteria does the Town Manger use in determining whether or not a facility user is non-profit, charitable or town sponsored in nature. Additionally, question was raised as to whether or not we should have deposit for the use of the picnic shelters to ensure that the user cleans up after the activity. Lastly, a question was asked about why would someone rent a facility and not want to make a profit.

Staff Comments

As written and adopted in the past, there was no criteria included with regard to determining non-profit or charitable status. Generally speaking, if available, we ask for 501(c)3 IRS non-profit status if there is any question as to the charitable nature of the event/activity for which a Town facility might be used. In other cases, we bring to the Town Board approval for a charitable event. If the Town Board would like staff to develop some set criteria with regard to what is non-profit or charitable, it is recommended that staff do so, looking at what other communities do as examples for the Town Board's consideration, and bring to the Town Board recommended criteria at its December 10, 2018 meeting.

With regard to a deposit for the picnic shelters, note in the enclosed fee schedule that the Community Building, Old Town Hall, West Avenue Stage, and Auditorium all have a refundable deposit – however, under paragraph 14 of the rental policy, if there is damage or a need for the town to clean up after the activity, the deposit is not refunded. If the Town Board would wish to add a like deposit to the picnic shelter rentals, an amount would have to be established and a Budget Ordinance amendment would be necessary, as the fees are adopted as a part of the annual Budget Ordinance. This is also true if the Town Board opts to add a high rental fee for non-residents or not utility customers. It is recommended that if the Town Board opts to amend or add any fees, that staff bring back the budget ordinance amendment at the Town Board's December 10, 2018 meeting.

With regard to the question as to leasing for actual gain or profit, our experience has been those who rent are generally for family or personal use for parties, cookouts, etc., or are for a non-profit or charitable event, not solely for gain or profit.

Action Requested

At the direction of the Town Board.

Motion to amend the Town of Ayden Properties and Facilities Rental and Use Policy to include a \$50 refundable deposit on the rental of the picnic shelters and to allow non-utility customers to rent our facilities at a rate 50% higher than utility customers.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 4-0

Motion passed unanimously.

VI. ITEMS FOR DISCUSSION

A. Elevator for Town Hall

Item Explanation

Enclosed you will find an email and proposal from MHA Works for designing and managing the construction of an elevator for Town Hall – total proposal is \$46,000. However, Albi McLawhorn also provide us information on the option of a modular elevator through a company called Resolute Elevator – the Board was sent information on this via manager’s email on October 30th.

Staff Comments

Resolute Elevator sent us a cost estimate for the modular elevator:

“For a 2 stop, Machine Room-Less 2500 lb hydraulic elevator, standard laminate cab, luminous ceiling, pit ladder, pit light, pit GFCl, Machine Space with Disconnects and lighting.

All that would be needed from a contractor is power pulled to our disconnects, dedicated phone line, openings and build back to building, an exterior finish on the elevator's gens-glass, a poured pit and a sump pump. We provide a calculations book and stamped drawings.

Budget Price: \$119,000.00

Action Requested

At the Town Board’s direction.

Commissioner Langley asked what the \$119,000 included. Manager Harrell said he believed it was a turnkey price, but he wasn’t completely sure. He stated he wasn’t looking for approval tonight because he needed to look at the budget and come up with a plan. Manager Harrell stated he would bring it back to the December 10th meeting.

B. License Plate Agency Office

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 past two (2) agenda packets, 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.

Town Board directed staff to place this matter on its September 10, 2018 agenda for a public hearing on the matter. Board did conduct a public hearing on this matter at the September 10th meeting. Following the public hearing, staff was directed to bring back costs for renovating the Town Hall to meet ADA compliance, as required by DMV.

Staff Comments

Enclosed please find the estimated costs to renovate the Town Hall for ADA compliance in the Town restrooms(\$21,940) and the entrance to the Town Hall(\$15,525 for ramps and electronic doors) – total of \$37,365. Also of note, the operation of a License Plate Agency Office in the Town Hall will necessitate designating one of the three windows at the front counter solely for the license plate business. Currently, there are often times, especially at the first of the month, when all three windows are needed to handle the Town’s utilities’ collection business. DMV also mentioned the ability for those in line for license plates to have enough lobby space to remain inside the building.

Finally, the call as to whether or not to have a License Plate Agency Office in Town Hall is actually not the Town’s, but DMV based on its “market analysis” and its evaluation of the Town’s ability to operate the office as a separate piece of business in Town Hall. One approach would be to submit an application to the DMV and receive its analysis/evaluation as to what is needed or deficient with regard to the Town operating a License Plate Agency Office.

Action Requested

As the Town Board directs.

Commissioner Ross said she didn’t see a need for it in Ayden. Mayor Pro-tem Mewborn said some citizens had gone to him about the idea so he brought it to the manager. He said his initial intent was to try to bring them to Ayden to serve some of the underserved areas around us. He felt it would bring traffic to our downtown area. Manager Harrell said he did not feel we would be approved by the DMV. No action was taken by the board.

VII. INFORMATION

A. Staff Departmental Reports

Manager Harrell gave an update on the Food Commercialization Center. He passed out a proof of a community watch E-Z Call card that was developed with the guidance of Mayor Pro-tem Mewborn. He said this would give citizens a way to report things to the police department without worrying about being identified. Mayor Pro-tem Mewborn said he wanted the citizens to feel they had a safe way to report crimes in their area. Commissioner Langley asked if dispatch has been trained to make sure the caller remains anonymous. Chief Stanley said he was working on that and they would let the caller know they could remain anonymous if they preferred. Manager Harrell also introduced Nichole Maye-Brown as the Acting Housing Director for the Ayden Housing Authority.

VIII. BOARD MEMBER COMMENTS

The board thanked everyone for coming and for their support. They thanked staff for their work.

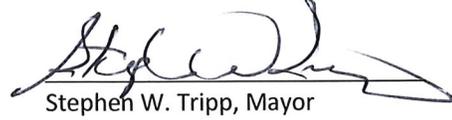
XI. ADJOURNMENT

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 8:55pm.

CERTIFICATION

Minutes from the November 13, 2018, meeting were adopted and certified this 10th day of December 2018 in Ayden, North Carolina.

AYDEN, NORTH CAROLINA



Stephen W. Tripp, Mayor

ATTEST:



Sarah W. Radcliff, Town Clerk



