



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

April 8, 2019 - 7:00 PM
District Courtroom – 2nd Floor of Town Hall – 4144 West Avenue

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 Ivory Mewborn, Commissioner Raymond Langley, Commissioner Cynthia Goff, Commissioner Phyllis Ross, Commissioner Johnny Davis

Absent:

Mayor Stephen Tripp

Also Present:

Steven Harrell - Town Manager
Sarah Radcliff - Town Clerk
Scott Dixon - Town Attorney

C. Welcome Visitors/Protocol for Public Comment

Mayor Pro Tem Mewborn welcomed everyone to the meeting.

D. Invocation

Pastor Michael Goff gave the invocation.

E. Pledge of Allegiance

Mayor Pro Tem Mewborn led the Pledge of Allegiance.

F. Approval of the Agenda

Prior to approving the agenda, Judge Brian DeSoto swore in Cynthia "Cindy" Goff as the new commissioner for Ward 2. Mayor Pro-tem explained that the Board had chosen Mrs. Goff to replace the late Commissioner Davenport at their March 25th meeting.

Mayor Pro Tem Mewborn stated Mayor Tripp had asked to move the CMSD Board Appointments and the Vacant Building Code Discussion to the May Meeting. He said they also needed to add a discussion on Bed and Breakfast in Residential areas to the agenda.

Motion to approve the agenda as amended.

Motion: Commissioner Ross

Second: Commissioner Davis

Discussion: None

Approved: 4-1 Commissioner Langley voted in opposition.

Motion passed.

II. PUBLIC COMMENTS

Sam Jones, 3020 Ayden Golf Club Rd, addressed the board. He thanked the board and the manager for being open-minded and being willing to revisit the downtown ordinance as it pertains to vacant buildings. He stated he has began working on his buildings and was actively seeking grants.

Dee Bowling, 536 E 3rd Street, addressed the board. She stated her concern for the vacant building ordinance. She felt the ordinance was too restrictive in its definition. She said the fee acts like a penalty to the merchants.

Victoria Killmon, 122 Woodview Drive, addressed the board. She stated she had presented a petition to the board in April of 2018 regarding speed cushions for her neighborhood. She asked the board if anything had been done since that time. Manager Harrell stated the study was not funded in the current budget but they could revisit it. Mrs. Killmon said since there was a cost share, the residents of the Pines that had signed would be called together and would have an option to opt out of the cost share. She said to her knowledge no one had been contacted. She asked if there was a cost share for paving a city street. Manager Harrell stated there was not.

Bessie McLamb, 3960 Northeast College Street, addressed the board. Ms. McLamb stated she attended all the board meetings and sat on the front row and she couldn't hear anything they said. She asked that they speak into the microphones so she could hear them better. She asked what the protocol was for filling a vacancy of a deceased commissioner. Attorney Dixon stated the board selected them by majority vote. She stated she has heard that people were not appointed in the correct way and she hoped it wasn't true.

III. PRESENTATIONS

A. Recognition of Ayden-Grifton High School Wrestler Ray Darden

Item Explanation

Ayden-Grifton High School Senior Ray Darden amassed a 33 - 1 wrestling record and the 2019 North Carolina State Championship in the 195lbs. weight class.

Staff Comments

Ray will be present to receive a proclamation for his State Championship from the Town of Ayden.

Action Requested

N/A

Mayor Pro-tem Mewborn presented the proclamation.

IV. PUBLIC HEARING

A. 2015 CDBG-I Closeout Public Hearing

Mike Barnette, McDavid Associates, presented to the board.

Item Explanation

The Town’s Citizen Participation Plan for the 2015 CDBG-I program requires the Town conduct a public hearing upon significant completion of the program. This hearing serves as the Closeout Public Hearing for the 2015 CDBG-I program.

This program replaced existing sanitary sewer and water lines on Washington Street, Montague Street, and Fourth Street. The program was funded with \$1,031,075 of CDBG-I funds.

In order to submit closeout package in April 2019, it is requested the Board authorize the Mayor to approve minutes of this public hearing which must be included in the closeout package to be sent to the Division of Water Infrastructure.

Staff Comments

Recommend conduct the required closeout public hearing and take the recommendation to allow the Mayor to approve the minutes of the public hearing in order to expedite closeout of the program.

Action Requested

1. Receive public comment
2. Authorize the Mayor to approve the minutes of the public hearing

Mayor Pro-tem Mewborn opened the public hearing. No one spoke. Mayor Pro-tem Mewborn closed the public hearing.

Motion to authorize the mayor to approve the minutes of the public hearing.

Motion: Commissioner Langley
 Second: Commissioner Goff
 Discussion: None
 Approved: 5-0
 Motion passed unanimously.

V. CONSENT AGENDA

A. Minutes from the March 11, 2019 Board Meeting

B. Approve Budget Amendment Ordinance #4

Item Explanation

General Fund Amendment

At the March 11, 2019 Town Board meeting, the Board decided to make the necessary repairs to the Sanitation Department's 2009 knuckleboom truck. As discussed at the meeting, the costs of the repairs required surpass the total amount budgeted for repairs in the sanitation department for fiscal year 18/19. To provide sufficient budgetary funds to pay for knuckleboom repairs, a budget amendment and fund balance allocation is required.

Staff Comments

Recommend approval of attached Budget Amendment Ordinance #4 appropriating General Fund fund balance to pay for the repairs to the knuckleboom.

Action Requested

By motion, approve budget amendment ordinance #4.



ORDINANCE No. 18-19-19

ORDINANCE TO AMEND THE TOWN OF AYDEN
FY 18/19 BUDGET ORDINANCE
Budget Amendment 4

WHEREAS, the Town of Ayden has incurred expenditures in excess of the total amount budgeted for repairs and maintenance in the Sanitation Department to repair the Town's 2009 knuckleboom truck; and

WHEREAS, the Town of Ayden desires to make the repairs and keep the vehicle in the Town's fleet; and

WHEREAS, the Town of Ayden requires a budget amendment to provide sufficient budgetary funds to pay for said repairs;

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Ayden that the FY 18/19 budget ordinance be amended as follows:

General Fund	Current	Revision	Revised
Revenues/Other Financing Sources			
Fund Balance Appropriation	\$ 292,375.00	\$ 20,000.00	\$ 312,375.00
All Other General Fund Revenues and OFS	\$ 5,099,222.00	\$ -	\$ 5,099,222.00
Total Estimated Revenues and OFS	\$ 5,391,597.00	\$ 20,000.00	\$ 5,411,597.00
Expenditures/Other Financing Uses			
Repairs & Maintenance - Sanitation	\$ 36,500.00	\$ 20,000.00	\$ 56,500.00
All Other General Fund Expenditures and OFU	\$ 5,355,097.00	\$ -	\$ 5,355,097.00
Total Estimated Expenditures and OFU	\$ 5,391,597.00	\$ 20,000.00	\$ 5,411,597.00

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.

Attest: This day of April 2019



Stephen W. Tripp
Stephen W. Tripp, Mayor

Attest:
Sarah W. Radcliff
Sarah W. Radcliff, Town Clerk

C. Donate Generator to Town of Grifton

Item Explanation

A 1982 10KW military generator originally donated by the military to the Police Department prior to Chief Stanley's tenure with the Town was being stored in a building at the Ops Center. Town mechanic checked the unit and it is operational. The generator is not reported on the Town's fixed assets.

Department heads have been asked if they could use a generator of this size and have actively looked for ways to utilize it, but no department needs it.

Staff reached out to the Town of Grifton, and they do have a need for the generator.

Staff Comments

As the unit was donated to the Town and the Town has no need for the unit and our neighbor Grifton does, staff recommends donating the unit to the Town of Grifton.

Action Requested

By motion, approve donation 1982 Military generator to Town of Grifton.

D. Approve FY 2019 Audit Contract

Item Explanation

As required by state law, the Town must have it's financial accounts audited annually. The Town has engaged Cherry Bekaert LLP the last two years and staff again recommends the firm for the coming FY19 audit. Contract price for professional audit services is \$25,750.

Staff Comments

A single audit will likely be required this year which and will also be performed by Cherry Bekaert. When a entity receives more than \$750,000 in direct or pass thru funding from the federal government, the entity must perform what is known as a single audit. A single audit insures federal funds have been spent according to grant guidelines. The Town currently has four CDBG grants and several State grants that are funded directly or indirectly with federal dollars. Estimated costs to perform a single audit will be an additional \$3,000. This additional cost are considered administrative costs of the grants and therefore will be paid for with grant dollars and not Town funds.

Action Requested

By motion, authorize the Mayor to execute contract for professional audit services for FY19 with Cherry Bekaert, LLP.

Motion to approve the consent agenda.

Motion: Commissioner Ross

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

VI. ACTION ITEMS

A. Preliminary Plat (Maye Farm Subdivision) – Pleasant Plain, LLC

Planning Director Stephen Smith presented to the board.

Item Explanation

The Town has received a request for approval of a Preliminary Plat submitted by Pleasant Plain, LLC. The submitted Preliminary Plat depicts 10 lots and 10.8360 acres. (Pitt County Parcel # 22590).

Staff Comments

The property is located within the Town's ETJ and is currently zoned RA-20 (Residential / Agricultural). Lots 1-10 will have access to Pleasant Plain Rd. NCDOT driveway permits have been issued. Water is available to the site provided by Bell Arthur Water Corporation; Electric service will be provided by the Town of Ayden; and sanitary sewer disposal will be provided by an on-site septic system. Preliminary soil evaluations on all lots have been completed will Pitt County Environmental Health will issue permits once a final plat has been approved.

Staff has reviewed the submitted Preliminary Plat and has found it to meet all applicable requirements of the Town's Subdivision Regulations with the exception of the Open Space requirement. Based on the open space calculation, the applicant is required to set aside ~7560 square feet for Open Space. The applicant is requesting that an exception be made to this requirement as prescribed in Section 21-34(b). This subdivision is low density with only 10 lots all fronting on a state-maintained road. Staff concurs with allowing this exception. As such, staff recommends approval of the Preliminary Plat as submitted. The applicant is also submitting the Final Plat for approval. With no improvements needed, these submittals can occur at the same time.

At their March 18th meeting, the Planning Board voted unanimously to recommend approval of the Preliminary Plat as submitted.

Action Requested

By motion, approve the Preliminary Plat as submitted.

Commissioner Langley asked if there were any previous items where we have waived the open space requirement. Mr. Smith stated not in his five years with the Town.

Motion to approve the Preliminary Plat as submitted.

Motion: Commissioner Langley

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

B. Final Plat (Maye Farm Subdivision) – Pleasant Plain, LLC

Planning Director Stephen Smith presented to the board.

Item Explanation

The Town has received a request for approval of a Final Plat submitted by Pleasant Plain, LLC. The submitted Preliminary Plat depicts 10 lots and 10.8360 acres. (Pitt County Parcel # 22590).

Staff Comments

The property is located within the Town's ETJ and is currently zoned RA-20 (Residential / Agricultural). Lots 1-10 will have access to Pleasant Plain Rd. NCDOT driveway permits have been issued. Water is available to the site provided by Bell Arthur Water Corporation; Electric service will be provided by the Town of Ayden; and sanitary sewer disposal will be provided by an on-site septic system. Preliminary soil evaluations on all lots have been completed will Pitt County Environmental Health will issue permits once a final plat has been approved.

Staff has reviewed the submitted Final Plat and has found it to meet all applicable requirements of the Town's Subdivision Regulations. It should be noted that a HOA needs to be created prior to final approval. As such, staff recommends conditional approval of the Final Plat as submitted.

At their March 18th meeting, the Planning Board voted unanimously to recommend conditional approval of the Final Plat as submitted.

Action Requested

By motion, conditionally approve Final Plat as submitted.

Motion to approve the final plat as submitted, with the condition that the HOA be created.

Motion: Commissioner Davis

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

- C. Loan Eastern Carolina and Farm Museum 1840-1940 a Weaving Loom

Tommy Duncan, Arts & Recreation Director, presented to the Board.

Item Explanation

It has come to the attention of the Board of Directors of the Eastern Carolina Village and Farm Museum, located at 4570 County Home Rd. in Greenville, that Ayden Arts and Rec has an old Cambridge Loom made by the Reed Loom Co. Upon inspection, this loom dates to the early 1900's. This is within the time period of our museum.

The Museum's Board of Directors, are asking if the City of Ayden would consider loaning or donating this loom to the Museum for display and education purposes. The purpose of the Museum is to educate the public about the history of Eastern North Carolina, of which weaving cloth played a large part. There are many tours of people who have never seen farm equipment, village life or the tools of our past. Within the next few months, the Museum plans on opening

on a regular basis and hiring a part time Director.

Our own Arts and Rec weaving instructor, Bonnie Pulver, who serves on the Museum's Board of Directors, would like to put the loom together and see if all the pieces are there. If the City approves, the loom would be displayed in one of the Museum's buildings and Ms. Pulver will demonstrate on the loom. Additionally, the Museum has two spinning wheels that have been donated for the textile exhibit.

When contacted, the Ayden Historical Museum was not interested in the loom.

Staff Comments

Staff recommends the loan of the weaving loom to the Eastern Carolina and Farm Museum 1840-1940 for an indefinite period of time.

Action Requested

By motion, approve loan of weaving loom.

Commissioner Goff asked what kind of wear and tear does it take tear it down and put it back together. Ms. Bonnie Pulver stated she wasn't sure that it was even able to be put together. She said if they can put it together, they would take a picture for the board and put a plaque on it saying it was on loan from Town of Ayden.

Motion to approve loaning the weaving loom to the Eastern Carolina Village and Farm Museum.

Motion: Commissioner Langley

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

D. Swing Set at District Park

Tommy Duncan, Arts and Recreation Director, presented to the board.

Item Explanation

District Park plans call for the installation of a swing set, the recommended location of the swing set being behind the large picnic shelter in the open area. The cost of the swing set and installation is \$10,600.00. The funds would come from the budgeted annual Pitt County recreation grant of \$5000vwith additional funds coming from the balance left from the construction costs of the Veterans' Park bathrooms. \$65,000 was budgeted, but only \$30,000 was needed. See enclosed map of the park with location of set swing marked.

Staff Comments

This will be a single post swing set with three bays. The swing set will have two-bucket swings, for children 6 months to 4 years old. The two belt swings for youth and adults. One inclusive swing to meet ADA standards. One Konnection swing is an interactive play piece designed for two, whether it be a parent/caregiver and child, or two children, offering face-to-face personal interaction. See attached picture of swing set and Konnection swing.

Staff recommends that the Town Board concur with the Arts & Recreation Commission to approve the location and installation for a swing set at the District Park.

Action Requested

By motion, approve purchase and installation of swing set as described at the District Park.

Commissioner Langley asked where it would be located if it was approved. Mr. Duncan said it would be in the open area behind the large picnic shelter. Commissioner Goff asked how long before it would be ready to use. Mr. Duncan said probably no later than June.

Motion to approve purchase and installation of swing set as described at the District Park.

Motion: Commissioner Goff

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

E. Remove Steeple from Red School Building

Tommy Duncan, Arts & Recreation Director, presented to the board.

Item Explanation

The Arts and Recreation Department would like to remove the steeple from the roof of the red school building behind the Arts & Rec Building. The reason is the shingle roof is being replaced with a metal roof. By removing the steeple it would void any water leaks in the future.

Staff Comments

The building was built and donated to the town in the 1980s from the Gibson and Jones family. The original intention was for the building to be moved to the Ayden Elementary school to be used as a history exhibit as a one room school. The original plan did not come to fruition. The Arts & Recreation Department has used the building for many different things. It is currently being used as an equipment room to store football, soccer and softball equipment. The department has spoken with the families about removing the steeple. Neither oppose the removal of the steeple.

Staff recommends that the Governing Board allow the removal of the steeple.

Action Requested

By motion, approve removal of steeple.

Commissioner Langley said he hadn't seen the steeple but he wondered why it couldn't remain with the new roof. He thought it was part of the history of the building. Mayor Pro-tem asked if they had any leaks. Mr. Duncan said they had. Commissioner Davis asked if they removed the steeple to put the roof on, would that prevent it from leaking in the future. Mr. Duncan said yes. Commissioner Goff asked wouldn't that negate this being for historical purposes if we removed a part of it. Manager Harrell explained it wasn't a historic building. He said it was built in the 1980's as an exhibit.

Motion to approve removal of the steeple.

Motion: Commissioner Langley

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

F. Request to Waive Veterans' Park Rental Fee for Ayden Head Start Event

Item Explanation

Ayden Head Start has asked to use Veterans' Park for their end of year celebration on May 16th from 10-1:30. That is a Thursday afternoon. They would like the fee waived.

Staff Comments

The Town Board waived the rental fee for this event last year.

Action Requested

At Town Board direction.

Motion to waive the fee.

Motion: Commissioner Langley

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

G. Fee Waiver Request for Ayden Middle School Talent Show

Item Explanation

Several years ago Owen Baxter was the co-host for the Ayden Elementary School Talent Show. He is now in the 8th grade at Ayden Middle School and is interested in trying to have another show. The Arts & Recreation auditorium was the location for the past event which was a big success. Owen is looking at either May 17th or 24th for the new show. This would be just before End of Grade testing begins. This event is open to the public at no cost as a showcase for the students. They did collect canned goods for the Ayden Christian Care Center at the last one. They were not required to pay a rental fee for the use of the auditorium.

Staff Comments

Owen is requesting a waiver of the auditorium rental fee for this Ayden Middle School Talent Show.

Action Requested

At the Town Board's direction.

Motion to waive fee and encourage collecting a donation to the Ayden Christian Care Center.

Motion: Commissioner Langley

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

H. Approve Repairs to Town Hall HVAC System

Item Explanation

HVAC system in Town Hall needs repairs to mitigate mold problem.

Staff Comments

Immediate repair costs needs are \$21,075 to properly filter air to mitigate mold problem. See enclosed repair quote. Initially it was hoped we could wait to do these repairs in the new fiscal year, but mold issue needs to be handled sooner.

Action Requested

By motion, approve moving ahead with the HVAC repairs.

Wayne Hardee, Senior Code Enforcement Officer, presented to the board. He said the last time we had any work done was ten or eleven years ago. He said they used the ceiling as their return and it was causing a mold issue. He stated air quality professionals came in and performed tests and found mold. He said there was no fresh air return coming back into the building. Mayor Pro-tem asked if this would take care of the problem. Mr. Hardee said that is what they have been told. Commissioner Langley asked if we had a new quote since this was dated December. Mr. Hardee said he would check to make sure it was still a good quote. Manager Harrell said he was pretty sure it would be close to those numbers, but if it was way more, they would bring it back to the board. Commissioner Goff asked how it was discovered. Manager Harrell said we started having some really bad odors in the office and caused us to investigate. Commissioner Goff asked if there was any maintenance being done that would have picked up on this. Mr. Hardee said if they didn't know what they were looking for, and were just changing out filters, they wouldn't be able to find it. Commissioner Goff wanted to make sure this would be maintained on a routine basis from here on out.

Motion to approve moving ahead with the HVAC repairs.

Motion: Commissioner Langley

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

I. Appointments to CMSD Board of Directors

VII. ITEMS FOR DISCUSSION

A. Amendment to Town Zoning Ordinance to Allow Bed & Breakfasts in Residential Zones

Item Explanation

Currently, our Zoning Ordinance only allows Bed & Breakfasts in our RA-20 Residential Zone as a Conditional Use. It is also allowed as a Conditional Use in Office/Institutional(O/I) and as a permitted use in B-1 and B-2 Business Districts.

The RA-20 Residential Zone is located almost exclusively in our Extraterritorial Territory outside the Town limits. Residential zones R-12, R-10, R-8, R-6SF and MF(Multi-Family) do not allow Bed & Breakfasts. Stewart Consulting currently updating the Town's Zoning Ordinance will be addressing Bed & Breakfasts use in Ayden.

At last month's Main Street Committee meeting, Commissioner Ross reported that interest in a home on Third Street home across from Veterans Park as a Bed & Breakfast was stymied by our Zoning Ordinance.

Staff Comments

The R-10 Zone in Ayden encompasses the historic neighborhoods around Veterans Park where a number of large historic homes would lend themselves to use as Bed & Breakfasts establishments. This is the norm in many municipalities in North Carolina to allow for these establishments in historic residential neighborhoods. Such a use in our R-10, or the other residential zones, would be envisioned as a Conditional Use; i.e., to account for things like parking, buffering, etc. (Note: boarding houses, a somewhat similar use, are allowed as a Conditional Use in MF and O/I Zones.)

Course of action here is whether or not to wait on Stewart Consulting to complete its update to the Zoning Ordinance later this calendar year or move ahead with amending the Zoning Ordinance to allow for Bed & Breakfasts as a Conditional Use in other residential zones. If this route is taken, it is recommended that it mesh with what Stewart Consulting is developing in the new Zoning Ordinance to ensure compatibility. Normal steps for amending the current ordinance would have to be taken; i.e., staff drafting amendment, public hearing/review by the Planning Board, etc.

Action Requested

At Town Board's direction.

Commissioner Langley stated he had concerns for the neighboring residents having cars parked next to their residence. Manager Harrell stated it would still be a conditional use and each one would have to be approved. Commissioner Ross said she was excited about this and thought we needed to go ahead and move forward. Mayor Pro-tem and Commissioner Goff concurred. The consensus was for the Planning Director and the manager to bring some language back to the May meeting for the board to review.

VIII. INFORMATION

A. Staff Departmental Reports

Manager Harrell passed out the new garbage route to the board. He stated the changes were to add yard debris and bulk pickup to the regular route. He said we would also be placing a dumpster at the end of East Avenue near the Ops Center for drop off. He said this would go out to the residents soon. Commissioner Langley asked for the start date. Manager Harrell said it would be immediate. Commissioner Goff asked if there was a schedule for the street sweeper. Manager Harrell said there was a regular route and he would look into it and report back to the board.

IX. BOARD MEMBER COMMENTS

Everyone thanked the citizens for their attendance and the employees for their hard work. Commissioner Langley stated he voted against amending the agenda because he felt like business should go on whether a board member was there or not.

X. CLOSED SESSION

- A. Pursuant to G.S. 143-318.11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Motion to enter into closed session at 8:25pm.

Motion: Commissioner Goff

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to enter into open session at 8:33pm.

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 8:33pm.

Minutes from the April 8, 2019, meeting were adopted and certified this 13th day of May 2019 in Ayden, North Carolina.


Sarah W. Radcliff, Town Clerk



AYDEN, NORTH CAROLINA

Stephen W. Tripp, Mayor