



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

May 13, 2019 - 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 7pm.

B. Roll Call

Present:

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

Absent:

Sarah Radcliff, Town Clerk

Also Present:

Steven Harrell - Town Manager
Kimberly Raynor - Administrative Support Specialist
Scott Dixon - Town Attorney

C. Welcome Visitors/Protocol for Public Comment

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 to the Flag.

F. Approval of the Agenda

Motion to amend the agenda to include an item regarding employee health insurance.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

II. PRESENTATIONS

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

Commissioner Davis presented Mr. Darden with a proclamation from the Board.

III. PUBLIC COMMENTS

There were no public comments.

IV. PUBLIC HEARING

A. Public Hearing on Submitted FY19-20 Annual Town Budget

Mayor Tripp opened the public hearing.

Mr. Stuarvon Hunter addressed the Board. He stated he works with the Ayden Boys & Girls Club and is requesting a donation or funding assistance from the Board for his basketball program to help at-risk youth.

Mayor Tripp closed the public hearing.

V. CONSENT AGENDA

A. Minutes from the April 8, 2019 Board Meeting

Motion to approve the consent agenda.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

VI. ACTION ITEMS

A. Approval Financing of Police Radios

Finance Director, Rob Taylor, addressed the Board.

Item Explanation

As per the approved FY18/19 budget, the Town anticipated financing the new police radios. With the delivery of the new police cars, radios have all been installed and operational. A Request for Proposals for financing was issued with the low bidder being BB&T. Terms are \$52,000 for 24 months @ 2.89% APR. Loan will reimburse Town funds already expended.

Staff Comments

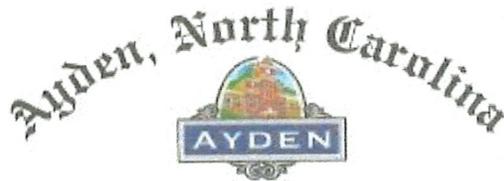
Staff requested bids from the three local banks. Town received two proposals, one from Southern Bank and one from BB&T.

Action Requested

Approve resolution approving financing terms from BB&T.

Commissioner Langley asked what we did with the old radios. Chief Stanley stated Farmville PD purchased them.

Motion to approve the financing of the police radios with BB&T.



RESOLUTION NO. 18-19-33

Resolution Approving Financing Terms

WHEREAS: The Town of Ayden ("Town") has previously determined to undertake a project for the financing of police radios, 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 Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated April 29, 2019. The amount financed shall not exceed \$52,000 the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.89%, and the financing term shall not exceed two (2) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent

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 BB&T 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 may, 2019

By: [Signature]
Title: Mayor

By: [Signature]
Title: Town clerk



Motion: Commissioner Langley

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

B. Approval of Placement of Fencing at Veterans' Park and JJ Brown Park

Item Explanation

Mayor Pro Tem Mewborn has requested a fence around JJ Brown Park similar to the black wrought iron fence at Veterans' Park that is located on the Washington Street side of the playground equipment. Purpose of the fence at JJ Brown Park is principally to deter children playing on the playground equipment there from inadvertently running into the streets surrounding the park. Staff would also like to add a fence along the 4th Street side of the Veterans' Park playground equipment. Enclosed are a rendering of the placement of the two fences in each park and a photo of the existing wrought iron fence at Veterans' Park.

Staff Comments

Cost to install the fencing at JJ Brown Park is \$9,400; cost of the additional fencing at Veterans' Park is \$2,100 for a total cost of \$11,500. These costs can be borne by the current FY18-19 budget principally with the balance of funds that were not needed for the bathrooms at Veterans' Park; i.e., \$65,000 budgeted but only \$30,000 was needed. Staff

had the Arts & Recreation Commission review this at its April 18th meeting and it recommends approval of both fences.

Action Requested

By motion, approve installation of the fencing.

Mayor Tripp asked about the traffic on East Barwick Street. Manager Harrell stated we didn't have that information. Mayor Tripp recommended putting a gate on all four sides. He didn't feel additional fencing was needed at Veterans' Park.

Motion to approve the fencing at JJ Brown Park with the modification on Hardy Street side.

Motion: Commissioner Langley

Second: Mayor Pro-tem Mewborn

Discussion: Commissioner Goff stated she felt we needed an additional gate at JJ Brown Park.

Approved: 5-0

Motion passed unanimously.

C. Approval of Speed Humps Next to JJ Brown Park

Tab 6

Item Explanation

Mayor Pro Tem Mewborn has requested the installation of rubber speed humps on East Barwick Street on the section of the street adjacent to J.J. Brown Park. This section of the street has no residential homes abutting it; the properties abutting it are the park and the field area behind the old pickle plant (see enclosed photo of section of street).

Currently, the placement of traffic calming measures/devices is controlled by the Ayden Traffic Calming Policy - see enclosed. The policy lays out the method by which traffic calming measures/devices can be installed in the Town. The policy as written does not allow staff and/or the Town Board to unilaterally install traffic calming measures/devices even on sections of streets as proposed above where there are no homes/structures abutting the street and where such measures/devices could contribute to better safety around a Town park.

Staff Comments

The suggested rubber speed humps are depicted in Exhibit A of the enclosed policy. Costs for such is generally under \$200 each and could be installed by Town street crews.

In order to approve of these style humps on the section of East Barwick Street in question, it would require the current policy to be amended to allow for the Town Board to unilaterally approve of placement traffic calming measures. It is suggested, that if the Town Board opts for this amendment, such approval be tied to street sections due to a determination of a need for public safety. Enclosed is language for the amendment to the policy.

Action Requested

At Town Board's discretion, by motion approve enclosed amendment to the Ayden Traffic Calming Policy and authorize the placement rubber speed humps on the section of East Barwick Street adjacent to J.J. Brown Park.

Mayor Pro-tem said if there is a traffic issue at any of our parks, it needs to be looked into. Commissioner Goff asked what the speed limit was. Manager Harrell said it was 25mph. Mayor Pro-tem Mewborn said the area is out-of-sight, out-of-mind. He said when you have those type areas, you have people speeding through. Commissioner Langley asked if they could adjust the verbiage to only speak to public parks but reduce speed first, then install cushions. Mayor Tripp stated we all care about the safety of our children. He stated Victoria Killmon had addressed the board regarding traffic calming issues in the Pines, where he resided. He stated there are children all over town, not just in the parks, and other areas need to be addressed as well. Commissioner Langley said we need to move forward on it. Manager Harrell said we haven't done a study. Commissioner Langley recommended we do the study and change the code as we have discussed tonight. Manager Harrell stated the cost to do the study is around \$12,000. Mayor Tripp said our policy shouldn't be so stringent that we have to do a \$12,000 study to change it. Manager Harrell said he would look at the traffic calming policy and bring some changes back to the June meeting.

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

Stephen Smith, Planning Director, addressed the board.

Item Explanation

At last month's Town Board meeting, the Board directed staff to prepare a zoning text amendment dealing with Bed & Breakfasts.

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 following are the suggested text changes to the Zoning Ordinance.

In existing use chart:

Allow as "C" in R-12, R-10, R-8 & R-6.

In section 4.11 "Notes to the table of permitted uses" should include these development standards:

Bed & Breakfast Facilities:

Bed & Breakfast facilities, where allowed, are subject to the following standards:

1. No more than eight (8) guest rooms that offers bed and breakfast accommodations may be provided on each private residence for a period of less than one week;
2. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home.
3. An owner/manager of a bed and breakfast facility shall reside on the property.
4. Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay.

Parking Requirement:

1 space per room

This language was provided by Stewart, the firm working with the Town to update our current 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: board houses, a somewhat similar use, are allowed as a Conditional Use in MF and O/I Zones.)

Next steps would be to send to the Planning Board for discussion/recommendation and then return to the Town Board to hold a Public Hearing and then vote to approve the amendments.

Action Requested

At Town Board's direction.

The consensus of the Board was to take this item to the Planning Board for their recommendation.

- E. Appointments to CMSD Board of Directors

Item Explanation

This item was originally on the April 8th agenda and was moved by the Town Board when Mayor Tripp requested it be moved to the May 13th meeting since he was not able to attend the April 8th meeting.

Commissioner Davenport's seat on the CMSD Board needs to be filled for the remainder of her term. Her four (4) year term expires Feb. 1, 2020. Additionally, the at-large position seat on the CMSD Board, currently held by Will Barnes, a Grifton appointee, expires next month, May 1, 2019. The at-large position rotates among the three (3) member towns and this position will now rotate to Ayden - this position is a three (3) year term.

The practice for years now among the member towns has been to appoint their managers and one elected official to the CMSD Board, however, note that the CMSD by-laws do not require this - anyone in a member town's jurisdiction can be appointed. Likewise, the at-large position can be filled with anyone residing within the respective town's jurisdiction; i.e., elected official, town employee or someone not elected nor an employee of the town. The practice has been to appoint someone to the at-large position from the public in general.

Staff Comments

At the Town Board's direction as to who will fulfill Commissioner Davenport's remaining months and who is to be appointed to the at-large position.

Action Requested

At the Town Board's discretion.

Motion to appoint Commissioner Davis to Commissioner Davenport's seat.

Motion: Commissioner Ross

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to appoint Mayor Pro-tem Mewborn to the At Large seat.

Motion: Commissioner Langley

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

F. Inclusion of Town Board Under Town Health Insurance

Item Explanation

Currently Town Board members are not covered under the Town's fringe benefits, these being health (i.e., major medical), dental, vision or short term disability, all of which, except for vision, are paid by the Town for the employee. Vision insurance premiums are paid by the employee. Any insurance coverage for spouses and children are also paid by the employee, not the Town.

Legally, the Town Board can include its members under the same fringe benefits as the employees.

Staff Comments

Mayor Pro Tem Mewborn has requested that the Town Board consider affording health insurance (i.e., major medical) for the Board members, as well. Annual premium costs to do so would be \$40,150.

One note, persons 65 years and older who are eligible, and receiving Medicare, could have some difficulties between the two plans as to which is the primary insurance.

Action Requested

At the Town Board's direction.

Commissioner Ross stated we shouldn't put that burden on the citizens. Commissioner Goff agreed. Mayor Pro-tem asked if it was common for some municipalities to do this. Manager Harrell said towns reporting to the League with a population of 5,000-9,999, there are a few towns doing this. Mayor Pro-tem said those that don't want it, don't have to have it, they could opt out. Commissioner Davis stated he did not need it. Commissioner Goff asked if we approved it and three opted out, if it would reduce the cost. Manager Harrell said it would. Commissioner Langley stated he did not need it but if someone wants it they should be able to get it. Mayor Tripp said the Board should not participate in this. He said he did not run for office to be compensated, but to serve the citizens of Ayden. Mayor Pro-tem Mewborn said he looks at the broad picture across the state and sees where other municipalities are doing this and thought the board should be aware of it and open to it. Mayor Pro-tem stated he asked the manager if the board members are employees. He said Manager Harrell answered it the best way he could. He said they are subject to social security and tax deductions just like employees. Mayor Pro-tem Mewborn said this is about setting the stage for the board in the future. Mayor Tripp asked the manager if he was considered an employee of the Town of Ayden. Manager Harrell

stated they received a paycheck. Mayor Tripp said that was a per diem, there is a difference. Mayor Tripp asked Attorney Dixon if they were employees. Attorney Dixon stated he was looking into it on the School of Government's website for clarification. Mayor Tripp stated he wanted his opinion on the record "I am a servant." Mayor Pro-tem Mewborn said all of us are servants.

Motion to provide insurance to the town board if they would like it.

Motion: Commissioner Davis

Second: Mayor Pro-tem Mewborn

Discussion: Mayor Tripp asked for a raise of hands for the vote.

Approved: 3-2

Motion passed. Commissioner Ross and Commissioner Goff were opposed to the motion. Commissioners Langley, Mewborn and Davis voted for the motion.

Mayor Pro-tem Mewborn said he felt it was time to stop this stuff. He said every time something don't go your (Mayor Tripp's) way, you treat the board like little children and make us raise our hand. Mayor Tripp said he's got it, let's move on to the next item.

Attorney Dixon stated in his opinion, board members are not employees. Mayor Tripp asked Attorney Dixon to check the statues in the town as well.

G. Consideration of Increase of the Town Board's Salaries

Item Explanation

Commissioner Davis has requested to have the annual salaries of the Town Board members be placed on the agenda for consideration of an increase.

Staff Comments

Under North Carolina statute, the only time local elected officials can consider changes in their salaries is as a part of their adoption of the annual fiscal year's budget. The current salaries of the Town Board are:

Mayor \$7,200

Commissioners \$5,400

Action Requested

At the Town Board's direction.

Commissioner Davis said he was new and wanted to know when the last increase was for the Board. Manager Harrell said in 2016. Commissioner Davis said the employees receive a raise, so he thought the commissioners should as well. He suggested an increase of \$50 per month. Commissioner Goff asked if we have looked at per diems from other towns and made comparisons. Manager Harrell said he had checked Farmville, Winterville, Grifton, Selma, Nashville and Ahoskie. He said Ahoskie gives a COLA to the elected officials each year just like they give the employees. He said we are above the average of all of the towns he surveyed. Commissioner Goff said in her opinion, we should stay where we

are. Commissioner Ross agreed.

Motion to keep the salaries at the current level.

Motion: Commissioner Langley

Second: Commissioner Goff

Discussion: Mayor Tripp asked for his salary to be reduced by 20%. Commissioner Langley amended his motion to say the commissioners keep their salary as is and to reduce the Mayor's Salary by 20% by his request.

Approved: 5-0

Motion passed.

H. Employee Health Insurance

Manager Harrell said our current policy is with NCLM and we were looking at a 6.7% increase. He stated staff contacted Carolina Benefits Specialist and they came back with a package from BCBS that will save us nearly \$80,000/year. It will also give us great savings on dental and ancillary policies.

Motion to go with the proposal option 2 from Carolina Benefits.

Motion: Commissioner Goff

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

VII. ITEMS FOR DISCUSSION

A. Vacant Building Code

Item Explanation

This item was originally on the April 8th agenda and was moved to the Town Board's May 13th meeting by the Town Board when Mayor Tripp requested it do so as he was unable to attend the April 8th meeting.

As you will recall, the Towns Non-Residential Maintenance Code was amended in October, 2018, to include a Vacant Building Registration requirement. This amendment required all property owners in the B-1 and B-2 zoning districts to register their vacant buildings with the Town and pay a \$1000 registration fee.

Property owners may be exempt from the registration fee if either of the following exemptions are met:

- 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
- 2- A vacant commercial building that is being renovated under an active building permit for the purpose of preparing it for occupancy

Last month at the Town Board's March 11th meeting, downtown property owner Sam Jones during Pubic Comments

requested the Town Board revisit the need to charge the \$1,000 registration fee, if indeed the property owner can demonstrate he/she is actively renovating the building preparing it for occupancy. At that same meeting, Mayor Tripp requested this item be placed on the Town Board's agenda for its April 8th meeting.

Subsequently, Commissioner Langley contacted staff and requested an amendment to the ordinance that would exempt for 12 months a property owner who has newly purchased a vacant commercial building from paying the \$1,000 fee be drafted for consideration on April 8th.

Staff Comments

Staff has prepared a draft amendment for discussion to add an additional exemption to take into account a newly purchased property with demonstrated activity by the property owner to renovate.

Mayor Tripp subsequent to the April 8th meeting requested an alternative amendment be considered, one that exempts all property owners from the registration for the first year, apply a \$500 registration fee the second year and rise to the \$1,000 registration fee in the third year. Commissioner Langley's suggestion that property owners with newly acquired properties having a 12 month exemption from the fee would also stay in place. Alternative amendment is enclosed.

Action Requested

At the Board's direction.

Commissioner Langley asked where we were at with the registration of vacant property. Manager Harrell stated we have sent out two notices and are preparing to send out notices of violation because we have not had anyone pay. Violations will be \$50/day for each day they are in violation. Commissioner Langley asked how many properties had been registered. Mr. Smith stated about 75% have complied and registered their buildings. Commissioner Langley asked how many had paid the \$1,000. Mr. Smith stated none because they were either actively working on the buildings or had them listed. Commissioner Langley we wouldn't have to give any refunds if we change the fee. He said he never wanted to collect the fees because we want the buildings occupied or for sale/rent. He stated he believed the ordinance has motivated some building owners to start getting things done. After looking over the draft proposals, he still thinks we need some type of registration fee the first year.

Alice Cannon-Parker addressed the Board. She stated she owned property on 3rd Street and when the \$1,000 fee first came about, she had problems with it. She said they are all trying and she agrees with Mayor Tripp that they need a little more time. She asked that they consider a \$500 fee.

Motion to approve the alternative amendment, as shown below:

E) Fees. Effective one year following the adoption date of this code, an initial annual registration fee of \$500 shall be collected upon registration of the vacant property. Effective one year following this initial registration fee, an annual registration fee of \$1,000 shall be collected upon registration of the vacant property and collected annually at that amount on the renewal of the registration.

(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.
- (3) A vacant commercial building that has been purchased within 90 days of receiving a Notice of Registration Requirement. Properties meeting this exemption will be given 12 months to start rehabilitation or action to occupy the buildings. A work plan of action shall be submitted along with the property registration form outlining the work being planned and an estimated date of completion/occupation.

Motion: Commissioner Goff

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

VIII. INFORMATION

A. Staff Departmental Reports

Manager Harrell stated the dedication of the Splash Pad to the late Commissioner Mary Alice Davenport would be better suited for the Family Day event on July 27th. He said opening weekend is Memorial Day weekend and he and several others will be out of town. Commissioner Goff asked if the new swing set would be in place by then. Mr. Duncan stated he hoped so.

IX. BOARD MEMBER COMMENTS

Board members thanked everyone for being there and welcomed input from anyone to make things better. Mayor Pro-tem Mewborn said there are always going to be disagreements. He stated he respected the Mayor's opinion, and he hopes the Mayor respects his. He said they see things differently, but when they come together in one accord, they can make this town a better place. He said you need to treat people the way you want to be treated. He said when the Mayor isn't in agreement, you have to raise your hand like a child. He said we all have problems, but we need to always respect each other. Mayor Tripp said he had been here for many years and you know who he is and his heart. He stated he loved the community and those he serves.

X. CLOSED SESSION

- A. Pursuant to G.S. 143-318.11 (a) (6) To consider the qualifications, competence,

Tab 13

performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Attorney Dixon stated we would now enter into closed session pursuant to G.S. 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Motion to enter into closed session at 8:44pm.

Motion: Commissioner Ross

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to enter back into open session at 9:03pm.

Motion: Commissioner Ross

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to approve a 1.5% increase in the manager's salary to go towards his deferred compensation.

Motion: Commissioner Langley

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 9:05pm.

CERTIFICATION

Minutes from the May 13, 2019 meeting were adopted and certified this 10th day of June, 2019 in Ayden, North Carolina.

XI. ADJOURNMENT

AYDEN, NORTH CAROLINA

Sarah W. Radcliff
Sarah W. Radcliff, Town Clerk



Stephen W. Tripp
Stephen W. Tripp, Mayor