TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES

September 9, 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, Commissioner Johnny Davis Commissioner Raymond Langley, Commissioner Cynthia Goff, Commissioner Phyllis Ross

Absent:

Mayor Pro-tem Ivory Mewborn

Also Present:

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

C. Welcome Visitors/Protocol for Public Comment

D. Invocation

E. Pledge of Allegiance

F. Approval of the Agenda

Motion to approve the agenda as presented.

Motion: Commissioner Langley
Second: Commissioner Goff
Discussion: None
Approved: 4-0

Motion passed unanimously.

II. PUBLIC COMMENTS

County Commissioner Lauren White addressed the Board. She stated they had recently hired a new economic director. She said he wanted to come meet the town board and was excited about working with them.

III. PRESENTATIONS

A. Proclamation for National Senior Center Month

Manager Harrell read the proclamation and Mayor Tripp presented the proclamation the Donna Robinson, who accepted on behalf of the Ayden Council on Aging Center.

IV. PUBLIC HEARING

A. Conditional Use Permit – Quasi-Judicial Hearing

Clerk Radcliff swore in Planning Director Stephen Smith and James Quinn. Mr. Smith presented to the Board.

Item Explanation

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

Zoning District: RA-20 (Residential/Agricultural District). The primary purposes of this district are agriculture and low density residential development on lots with a minimum size of 20,000 square feet, and further to provide for certain other permitted and conditional uses as set forth in this section. This district is intended to ensure that residential development not having access to a public water system and dependent on septic systems for sewage disposal will occur at a low density to provide a healthful environment.

The property (Parcel #60863) is located at 722 Old Snow Hill Rd (See map) and is owned by Gary & Stephanie Cobb. The Conditional Use process allows the town to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district. A conditional use permit can also provide flexibility within a zoning ordinance to enable the town to control certain uses, which could have detrimental effects on the community. Below is the definition of a Class B Manufactured Home:

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

(a) The home has a length not exceeding four times its width;

(b) The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

(c) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

(d) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is

installed under the home; and
(e) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy

Staff Comments

The application submitted has been deemed complete. The application and supporting documentation is included for your review. Action on a Conditional Use Permit will require a quasi-judicial hearing and the findings of fact must be addressed. Since this is a Conditional Use Permit, additional conditions can be added to the permit prior to approval. Staff supports the issuance of the Conditional Use Permit.
At their August 19th, 2019 meeting, the Planning Board recommended approval of the Conditional Use Permit. The Board found 7 of 7 required findings to be met.

Action Requested

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

Mayor Tripp opened the quasi-judicial hearing. James Quinn spoke on behalf of the applicant. He stated everyone in the neighborhood was living in the same type of housing. He said they were just filling in a vacant lot. Commissioner Langley asked if there had ever been a mobile home there. Mr. Quinn stated it has just been a vacant lot. Commissioner Davis asked if the home met all the requirements. Mr. Quinn stated yes.

Mayor Tripp closed the hearing.

Findings of Fact:
1. The use requested is listed among the conditional uses in the district for which application is made, or is similar in character to those listed in that district.

2. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property.

3. The requested use is essential or desirable to the public convenience or welfare.

4. The requested use will be in conformity with the towns land use plan.

5. Adequate utilities, access roads, drainage, sanitation, or other necessary facilities have been or are being provided.

6. Adequate measures have been or will be taken provide ingress and egress so designed as to minimize the traffic congestion in the public streets; and

7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

Conclusion: The board unanimously approved all seven findings of fact. Based upon the foregoing Findings of Fact, the application for a Conditional Use Permit, as presented, satisfied the standards and criteria, including

general requirements, established for the same in the Town of Ayden Zoning Ordinance.

Action:
It is the decision of the Town of Ayden Governing Board that the application for a Conditional Use Permit to install a Class A Manufactured Home in the RA-20 Zoning District on the property located at 722 Old Snow Hill Road, Ayden, NC, hereby be approved based on the findings of fact and conclusions herein.

Motion: Commissioner Langley
Second: Commissioner Davis
Discussion: None
Approved: 4-0
Motion passed unanimously.

B. Conditional Use Permit – Quasi-Judicial Hearing

Clerk Radcliff swore in Planning Director Stephen Smith and Nicky Rapoza. Mr. Smith Presented to the Board.

Item Explanation

The applicant is requesting a conditional use permit to operate a Private Club in the B2/CCOL zoning district.

Zoning District: B-2 (Highway Commercial District). The primary purpose of this district is to accommodate those businesses that serve the traveling public, require large amounts of land for display and parking, and are oriented to the pedestrian shopper. *Effective December 14, 2015, all rezoning requests for B-2 along the NC 11 corridor will be required to include the CCOL (Commercial Corridor Overlay) designation.

Zoning District: CCOL (Commercial Corridor Overlay District). The primary purpose of this overlay district is to promote community goals and objectives for character and aesthetics along key corridors within the Town of Ayden's Planning and Zoning Jurisdiction. More specifically, the intent is to promote commercial development that is compatible with surrounding areas; to minimize the negative impacts caused by strip commercial development, loading facilities, storage facilities, sign clutter and proliferation of access points; and to strengthen the quality of life by providing for a well-designed built environment that contributes to the unique character of The Town of Ayden. The district will be used in conjunction with the Base Zoning District to ensure that development and redevelopment within this district meets this intent. **Effective December 14, 2015, all rezoning requests for B-2 along the NC 11 corridor will be required to include the CCOL (Commercial Corridor Overlay) designation.

The property (Parcel #36904) is located at 6250 B NC 11 (See map) and is owned by William Gooding. The Conditional Use process allows the town to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district. A conditional use permit can also provide flexibility within a zoning ordinance to enable the town to control certain uses, which could have detrimental effects on the community. Below is the definition of a Private Club:

A private club is an establishment that is organized and operated solely for a social, recreational, patriotic, or fraternal purpose and that is not open to the general public but is open only to the members of the organization and their bona fide guests.

Staff Comments

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

At their August 19, 2019 meeting, the Planning Board recommended approval of the Conditional Use Permit. The Board found 7 of 7 required findings to be met.

Action Requested

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

Mayor Tripp opened the quasi-judicial hearing.

Nicky Rapoza spoke on behalf of the request. He stated he wanted to open a private club with a sports bar atmosphere. Mayor Tripp asked what the hours of operation would be. Mr. Rapoza stated Thursday through Sunday from 6pm until. Mayor Tripp asked what time he would close. Mr. Rapoza stated 2am. Commissioner Goff asked if he had a maximum membership. Mr. Rapoza stated no. Commissioner Davis asked if this was the building next to the Chevrolet dealership. Mayor Tripp said that was correct. Mayor Tripp asked how he would regulate the membership. Mr. Rapoza stated they would fill out an application and pay the fee. Commissioner Langley asked if they pay each time they enter or do they get a card. Mr. Rapoza stated they pay annually and get a membership card. Commissioner Goff asked if he had a name for the club. Mr. Rapoza stated it would be Legacy Lounge.

Mayor Tripp closed the hearing.

Findings of Fact:

1. The use requested is listed among the conditional uses in the district for which application is made, or is similar in character to those listed in that district.

2. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property.

3. The requested use is essential or desirable to the public convenience or welfare.

4. The requested use will be in conformity with the towns land use plan.

5. Adequate utilities, access roads, drainage, sanitation, or other necessary facilities have been or are being provided.

6. Adequate measures have been or will be taken provide ingress and egress so designed as to minimize the traffic congestion in the public streets; and

7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

Conclusion:

The board unanimously approved all seven findings of fact. Based upon the foregoing Findings of Fact, the application

for a Conditional Use Permit, as presented, satisfied the standards and criteria, including general requirements, established for the same in the Town of Ayden Zoning Ordinance.

Action:
It is the decision of the Town of Ayden Governing Board that the application for a Conditional Use Permit to operate a private club in the B2/CCOL zoning district on the property located at 6250 Hwy 11 S, Suite B, Ayden, NC, hereby be approved based on the findings of fact and conclusions herein.

Motion: Commissioner Goff
Second: Commissioner Ross
Discussion: None
Approved: 4-0
Motion passed unanimously.

C. Petition for Road Name Change - Public Hearing

Planning Director Stephen Smith presented to the Board.

Item Explanation

Staff has received a request from Mr. Daniel Boone to have Josh Lane renamed. This property is located off of West Avenue (See Map). In order for a road name to be changed, a public hearing must be held. If the road name change is approved by this board, a public hearing will then be scheduled before the Pitt County Board of Commissioners.

Staff Comments

The owner is requesting the road name be changed from Josh Lane to Boone's Farm Lane. This name has been checked by Pitt County E-911 addressing and is not a duplicate name. Staff supports the change from Josh Lane to Boone's Farm Lane.

Action Requested

Conduct Public Hearing.
Approve road name change from Josh Lane to Boone's Farm Lane.

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

Commissioner Langley asked if there were any costs involved. Mr. Smith stated all costs would be incurred by the applicant.

Motion to approve the request.

Motion: Commissioner Langley
Second: Commissioner Davis
Discussion: None
Approved: 4-0
Motion passed unanimously.

D. Approve Submitting an Application to the Division of Water Infrastructure for $1,000,000 for a Community Development Block Grant – Infrastructure (CDBG-I) Grant for Sanitary Sewer I&I Project

The Board of Commissioners for the Town of Ayden held a public hearing on September 9, 2019, for providing explanation and description of the FY 2019 North Carolina Department of Environmental Quality (DEQ) Community Development Block – Infrastructure Grant (CDBG-I). A quorum of Board members were present.

Mr. Rich Moore of McDavid Associates, Inc. was present to discuss the purpose of the public hearing for the Town of Ayden's CDBG-I funding application. Mr. Moore stated that the purpose of the public hearing was to obtain citizen's views and to respond to funding proposals and answer any questions posed by citizens. Mr. Moore also stated that the public hearing must cover the Town of Ayden's community development needs, development of the proposed activities, and a review of program compliance before the submission of the Town's CDBG-I funding application to the State of the North Carolina.

The Town proposes requesting funding from NCDEQ'S CDBG-I program for Sanitary Sewer Improvements to replace existing 40+ year old sewer assets along Ormond Street, Thrower Street, Jackson Street, and South Joyner Street. The purposes of the CDBG-I grant program are:

- To improve the quality of life for low to moderate-income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.
- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year of the CDBG-I, funding available is expected to be $24 million. Applications for funding are to be received on September 30, 2019).

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund two activities: water and sewer infrastructure, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure and economic development activities, including, but not limited to, the following:

Water:
- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:
- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extend public sewer to areas with failed septic tanks.

• Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The Town is seeking an amount in CDBG-I funds not to exceed $1,000,000 for replacement of aged sanitary sewer collection lines along Ormond, Thrower, Jackson, and South Joyner Streets.

The project proposed by the Town of Ayden was identified in the Town's Capital Improvement Plan. Community meetings have been held in the project area to inform citizens of the potential project, and get feedback from the residents.

A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the Town of Ayden has been determined to have an income survey area greater than 51% low-moderate income. The project area includes a target area of residential homes located adjacent to Ormond, Thrower, Jackson, and South Joyner Streets within Town.

The range of activities covered by the CDBG-I funds for the 2019 Sanitary Sewer Improvements includes:

• Construction
• Engineering Report
• Environmental Review
• Engineering Design
• Construction Administration and Observation.
• Legal activities.
• Surveying.
• Grant Administration.

If Town of Ayden is awarded a CDBG-I grant, the town is required to adhere to federal procurement requirements and other federal regulations which include:

• Americans with Disabilities Act/Section 504 Survey
• Davis-Bacon & Related Labor Acts
• Adoption/Submittal of a Citizen's Participation Plan
• Adoption/Submittal of an Equal Opportunity Plan
• Adoption/Submittal of a Fair Housing Plan
• Adoption/Submittal of a Language Access Plan
• Adoption/Submittal of a Relocation Assistance Plan
• Adoption/Submittal of a Section 3 Plan
• Excess Force Provision

The State of North Carolina requires that the if the Town of Ayden receives CDBG grant funding that the Town will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to project activities. CDBG funds can be used for those costs, if necessary. If no displacement and relocation will occur as a result of the proposed CDBG grant activity, then the Town of Ayden confirms that during this public hearing.

In the past, the Town has applied for and received for the following completed CDBG project:

• List Name of Projects:
Small Cities Program Concentrated Needs Housing Rehabilitation Program
2015 CDBG – Infrastructure Program
2016 CDBG – Infrastructure Program
2018 CDBG – Neighborhood Revitalization Program

The Town will submit its CDBG-I application for the 2019 Sanitary Sewer Improvements on or before September 30, 2019. The CDBG-I application will be available for review during normal business hours at the Town Hall located at 4144 West Avenue Street, Ayden, NC 28513. Additional information is available from the Town Clerk at (252) 481-5826. Should you have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within 10 business days and a written response to the written complaints and/or grievances will be sent by the Town within 10 business days, where practicable.

The public hearing was closed.

Motion to approve a resolution authorizing submittal of CDBG-I application and authorize the Mayor to approve meeting minutes for the public hearing.

RESOLUTION 19-20-05
APPROVING APPLICATION FOR FINANCIAL ASSISTANCE
COMMUNITY DEVELOPMENT BLOCK GRANT – INFRASTRUCTURE PROGRAM
TOWN OF AYDEN

WHEREAS, Title I of the Federal Housing and Community Development Act of 1974, as amended, has established the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure portion of the state grant monies received from the U.S. HUD CDBG program by Session Law 2013-360, Section 15.15(a) as amended by Section 5.3 of Session Law 2013-363, and

WHEREAS, The Town of Ayden has need for and intends to construct a wastewater collection system project described as rehabilitation/replacement of 1,950 +/- LF of existing sanitary sewer along Ormond, Thrower, Jackson, and South Joyner Streets within the Town's corporate limits, and

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

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

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

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

That Stephen W. Tripp, Mayor, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

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

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

That the following application exhibits are hereby approved and the Authorized Official is authorized to sign as part of formal application preparation/submittal:

1. North Carolina Division Application Form
2. Commitment of Other Funds Form
3. Local Government Certification of Understanding of the Roles and Responsibilities Under the HUD State Community Development Block Grant Regulations.
4. Conflict of Interest Certification
5. Federal Performance and Procurement Requirements Certification
6. Disclosure Report
7. Certification Regarding Debarment, Suspension, and Other Responsibility Matters
8. Approve/amendment of local plans to include but not limited to Capital Improvement Plan, Asset Management Plan, and Water Loss Reduction Plan.

That the Mayor is authorized to approve meeting minutes for the public hearing.

Adopted this the 9th day of September 2019 at Ayden, North Carolina.

THE TOWN OF AYDEN INCORPORATED SEAL 1891 PITT COUNTY, NC

Stephen W. Tripp, Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Ayden does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Commissioners duly held on the 9th day of September, 2019; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of September, 2019.

Sarah Radcliff, Clerk to the Board

Motion: Commissioner Langley
Second: Commissioner Goff
Discussion: None
Approved: 4-0
Motion passed unanimously.

V. CONSENT AGENDA

A. Minutes from the August 15, 2019 Board Meeting

B. Resolution to Contract with the NC Governor's Highway Safety Program for Police Dept. Grant Funding

Item Explanation

This is for a $20,000 no match grant. This is for the department to use as needed for equipment purchases and also as

part of Lieutenant Gerald Pierce's training and travel for Governor's Highway Safety activities. The Town purchases the equipment and is reimbursed through the grant.

Staff Comments

The department has received this grant for the last nine years and it has been used for necessary equipment, not just for the Town of Ayden, but for other agencies in the region.

Action Requested

Approve resolution as presented.

Ayden, North Carolina

AYDEN

RESOLUTION NO. 19-20-03

A RESOLUTION BY THE GOVERNING BOARD
OF THE TOWN OF AYDEN, NC
AUTHORIZING THE TOWN AND POLICE DEPARTMENT
TO CONTRACT WITH THE NC GOVERNOR'S HIGHWAY SAFETY PROGRAM

WHEREAS, the Ayden Police Department has completed an application contract for traffic safety funding and the Town of Ayden Governing Board has thoroughly considered the problem identified and has reviewed the project as described in the contract.

NOW, THEREFORE, BE IT RESOLVED by the Town of Ayden Governing Board in open meeting assembled in the City of Ayden, North Carolina, this 9th day of September, 2019, as follows:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. Lieutenant Gerald S. Pierce, Jr. is authorized to file, on behalf of the Governing Board an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of $20,000.00 to be made to the Governing Board to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of $0.00 as required by the project contract; and
4. The project director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents, and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. Certified copies of this resolution shall be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

Adopted this the 9th day of September, 2019 in Ayden, North Carolina.

Stephen W. Tripp, Mayor

THE TOWN OF AYDEN INCORPORATED SEAL 1891 PITT COUNTY, NC

ATTEST:

Sarah W. Radcliff, Town Clerk

C. Donation of Surplus Vehicle to Ayden Grifton High School

Item Explanation

Town has a surplus pickup truck formally assigned to Animal Control in its stock for which we need to dispose.

Staff Comments

Ayden Grifton High School has need for old vehicle for automotive repair class. Staff recommends donating surplus pickup to the high school.

Action Requested

By motion, approve donation.

Motion to approve the consent agenda.

Motion: Commissioner Langley
Second: Commissioner Ross
Discussion: None
Approved: 4-0
Motion passed unanimously.

VI. ACTION ITEMS

A. Approve Exception to the Town of Ayden Cemetery Policy

Manager Harrell presented to the Board.

Item Explanation

Enclosed the Town Board will find a copy of the Town of Ayden Cemetery Policy. Section VIII INTERMENT OF MORE THAN ONE BODY IN A SINGLE GRAVE OR VAULT which allows, in the case of cremation, for two urns in a grave with the exception that a newborn baby/small child being cremated, this third urn can be added to the grave.

Staff Comments

We have a request from Farmer's Funeral Home where a family has interned their father's urn in the grave, but wishes to disinter his urn when his wife passes, place it in his wife's casket prior to burial of the casket. In consultation with the Town Attorney, staff recommends that this exception to Section VIII of the be granted by the Town Board.

Action Requested

By motion, approve this exception to Section VIII of the Town's Cemetery Policy.

Motion to approve this exception.

Motion: Commissioner Goff
Second: Commissioner Ross
Discussion: None
Approved: 4-0
Motion passed unanimously.

B. Refund of Electric Customer User Charge

Manager Harrell presented to the Board.

Item Explanation

Current staff has discovered that in January, 2016, the Town Board voted to roll back the electric customer user fees to the amount as set on July 1, 2015 with the FY2015-206 annual budget. The copy of the enclosed Town Board minutes from January, 2016, indicates that the Town Board thought when it decreased electric rates by 10% in September, 2015, to be effective October 1, 2015, that the increase in user charges, as recommended by the rate consultant, had not been included in the October 1, 2015 rate schedule. The recommended increase in the user charges, however, were included in the rate schedule that staff began using October 1, 2015. The Town Board's January, 2016, rollback of user charges to July 1, 2015, however, was not followed through by staff and stayed at the increased level for the remainder of FY2015-2016; i.e., February through June.

In June, 2016, with the Town Board's adoption of the FY2016 - 2017 annual budget, the rate schedule adopted had the increased user charges, thus, in essence with the adoption of that annual budget the increased user fees were, by ordinance, legally adopted, negating the Board's decision in January, 2016 to have the user charges set as they were on July 1, 2015. The electric fee schedule adopted in June, 2016, has remained in place since then.

Copies of the Electric Fee Schedules effective July 1, 2015, October 1, 2015 and July 1, 2016, respectively, are enclosed.

Staff Comments

In consultation with the Town Attorney, it has been determined that the electric customers of the time period in which July 1, 2015 user charges would have applied; i.e., February through June, 2016, are due a refund of the additional charges they paid monthly over that time period. Estimated costs of refund is between $27,000 to $32,000.

Action Requested

Authorize refund of user charges to electric customers.

Commissioner Goff asked how they would be notified of their refund. Mr. Taylor stated we would more than likely put a credit on all existing customers bills for $7.50 with an insert letting them know what the credit is for. For the people who are no longer customers, they will get a letter and a check.

Commissioner Langley asked if the $7.50 was an average. Manager Harrell stated different classes of customers have different utility user fees. The $7.50 would be typical for a residential home. Commissioner Langley said it was based on per kilowatt usage...Manager Harrell stated it was not. He said if you look at the user fees chart in the packet you will see a column that says "customer user charge" and it has nothing to do with kilowatt hour usage. Commissioner

Langley said the town received a rate reduction sometime around July and did not pass on those savings to the customer until October. Manager Harrell stated there was nothing in the minutes regarding a refund from July-October, just a ten percent reduction in October. Mayor Tripp said for clarity, in July 2015 NCEMPA sold its assets to Duke Energy. He said the town worked with NCEMPA to sell the assets at a price less than they were worth. He said we did a rate study and it took 60-90 days to complete the study. At the end of the study, the rate commission recommended an 8% reduction, but the town went with the 10% reduction to make up for the 90 days it took to complete the study. He stated the Town has had two rate increases from NCEMPA that they have not passed on to the citizens.

Motion to approve the refund of user charges to electric customers

Motion: Commissioner Langley
Second: Commissioner Ross
Discussion: None
Approved: 4-0
Motion passed unanimously.

C. Adopt Resolution on Support for a Compliant Stormwater Management Program

Rich Moore, McDavid Associates, presented to the Board.

Item Explanation

The Department of Environmental Quality (DEQ) regulates the State's stormwater program under guidelines from the Environmental Protection Agency. Beginning in 2011, DEQ implemented the "Municipal Separate Storm Sewer System" (MS4) program. All governmental units (and universities) located within a US Census Bureau urbanized area are required to implement a stormwater program. There are currently 122 permitted programs (including Ayden).

The MS4 program requires units of government to adopt and implement a stormwater program that includes permitting new construction, post construction monitoring, public education/outreach, public involvement/participation, illicit discharge detection/elimination, and pollution protection/good housekeeping at municipal operations. Primary emphasis has been on permitting and construction monitoring. In 2018, EPA performed an inspection of DEQ and mandated that the State begin a statewide compliance and enforcement initiative. Beginning in 2019, DEQ is required to inspect 20% of permittees per year. Ayden was included in the first 20% of inspections. Inspections are performed to identify deficiencies/violations to help the State demonstrate compliance to EPA and to help permittees focus on what is needed in the future to comply with issued stormwater permit.

The inspection of the Town resulted in a "Notice of Violation" (NOV). DEQ inspectors acknowledged the Town's excellent cooperation and demonstrated good efforts related to permitting. Deficiencies were noted regarding public education (to include public involvement) and importance of documenting outreach, self-assessments of public facilities, and follow-up inspections.

Moving forward, DEQ has issued a stormwater permit to the Town. As part of the issued NOV, the Town must adopt a resolution affirming Town support to comply with permit conditions. It is noted that, moving forward, additional effort and expense will be required to demonstrate compliance with the Town's permit.

Attachments:
- DEQ July 26, 2019 Notice of Violation

• Draft Resolution Affirming Town Implementation of MS4 Stormwater Program

Staff Comments

McDavid Associates, Inc. will be in attendance to make a presentation and answer any questions from the Board.

Action Requested

By motion, adopt Resolution Affirming implementation of a compliant NPDES MS 4 stormwater program.

Commissioner Goff asked if there had been any movement to address this since we received the notice. Manager Harrell stated we have already started going through the packet and would be in compliance in under 120 days.

Commissioner Langley asked if they had sent out a training back then or that would go in place for the employees. Manager Harrell stated that part of the requirements included employee training.

Motion to adopt the Resolution.

Ayden, North Carolina

AYDEN

RESOLUTION 19-20-04 AFFIRMING SUPPORT
IMPLEMENTATION OF A COMPLIANT NPDES MS4 STORMWATER PROGRAM
TOWN OF AYDEN
SEPTEMBER 9, 2019

A RESOLUTION to develop and implement a compliant stormwater management program that meets the requirements of the Town of Ayden National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit number NCS000500 to discharge stormwater, inclusive of the required Stormwater Management Plan to be prepared by the Town of Ayden and approved by the North Carolina Department of Environmental Quality.

WHEREAS, Section 402(p) of the federal Clean Water Act requires NPDES permits for stormwater discharges from municipal separate storm sewer systems; and

WHEREAS, in North Carolina, NPDES Permits are issued by the North Carolina Department of Environmental Quality; and

WHEREAS, the North Carolina Department of Environmental Quality has issued the Town of Ayden a NPDES MS4 Permit for discharge of stormwater; and

WHEREAS, the Town of Ayden was issued Notice of Violation number NOV-2019-PC-0539 on July 26, 2019 for noncompliance with the issued NPDES MS4 Permit; and

WHEREAS, the Town of Ayden acknowledges the specific Notice of Violation requirement to obtain a new individual NPDES MS4 Permit; and

WHEREAS, the Town of Ayden acknowledges the specific Notice of Violation requirement to conduct a self-audit of permit compliance for the balance of permit requirements not specifically audited by the North Carolina Department of Environmental Quality, and to develop a draft Stormwater Management Plan to comply with Section 402(p)(3)(B)(iii) of the Clean Water Act, 40 CFR 122.34(b) and NPDES MS4 Permit requirements, and to submit its draft Stormwater Management Plan to the North Carolina Department of Environmental Quality no later than 120 Days From NOV Date for review and approval; and

WHEREAS, the Town of Ayden acknowledges the specific Notice of Violation requirement to adopt a Council Resolution to implement a compliant and enforceable stormwater management program as defined by both the NPDES MS4 Permit number NCS000500 and the required new Stormwater Management Plan, and said resolution is to be submitted to the North Carolina Department of Environmental Quality no later than 60 Days From NOV Date; and

WHEREAS, the Town of Ayden acknowledges the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan; and

WHEREAS, the Town of Ayden acknowledges that North Carolina Department of Environmental Quality enforcement action and penalties could result from non-compliance with the specific requirements in Notice of Violation number NOV-2019-PC-0539; and

WHEREAS, the Town of Ayden acknowledges that any North Carolina Department of Environmental Quality enforcement action and penalties may not prohibit the U.S. Environmental Protection Agency from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.

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

That the Council of the Town of Ayden hereby affirms its support for development and implementation of a compliant NPDES MS4 Stormwater Program.

Adopted this the 9th day of September, 2019 in Ayden, North Carolina.

THE TOWN OF AYDEN INCORPORATED SEAL 1891 PITT COUNTY, NC

Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:

Sarah Radcliff
Town Clerk

Motion: Commissioner Langley
Second: Commissioner Goff
Discussion: None
Approved: 4-0
Motion passed unanimously.

D. Report on Powell Bill Street Repair Project and Authorize Manager to Approve Low Bidder

Rich Moore, McDavid Associates, presented to the Board.

Item Explanation

The Town Board previously authorized an assessment of existing streets to prioritize improvements to aid in addressing severe needs and to assist in long-term planning. A PowerPoint presentation is attached that will be presented and discussed by a representative from McDavid Associates, Inc.

Attachments:

- Copy of PowerPoint slide presentation
- Copy of street assessment map

Staff Comments

McDavid Associates, Inc. will be in attendance to make a presentation and answer any questions from the Board.

Action Requested

Input/Comment on recommended priorities for street improvements. Authorize Town Manager to execute construction contract where costs are kept within Town appropriation for improvements.

Motion to authorize the Town Manager to execute construction contract where costs are kept within Town appropriation for improvements.

Motion: Commissioner Langley
Second: Commissioner Goff
Discussion: None
Approved: 4-0
Motion passed unanimously.

E. Appointment to the Ayden Library Board

Item Explanation

Kay Moore's term on the Ayden Library Board will expire on September 30, 2019 and she is not eligible for reappointment.

Staff Comments

Vacancy was advertised on social media sites and for two consecutive weeks in the Times Leader. Staff received one application, which is attached.

Action Requested

Motion to appoint Michael Huffman to a three-year term on the Ayden Library Board that will expire in September, 2022.

Motion to appoint Michael Huffman to a three-year term on the Ayden Library Board that will expire in September 2022.

Motion: Commissioner Ross
Second: Commissioner Langley
Discussion: None
Approved: 4-0
Motion passed unanimously.

VII. ITEMS FOR DISCUSSION

A. Amendment to Town Facilities Rental Policy for Use of Parks by Youth Groups

Item Explanation

Town Board in the past has regularly approved the use of Town parks by school groups and/or bona fide youth education services non-profits; i.e., 501(c)3, to reserve use of Town parks with waiver of the rental fee(s) as stated in the enclosed Rental Use Policy.

Staff Comments

Commissioner Goff requested this agenda item to discuss an amendment to the policy such that school groups and bona fide youth education services non-profits be allowed to reserve Town parks with a waiver of rental fee(s).

Action Requested

At Town Board's directions to draft an amendment for Town Board's consideration at its October 14th meeting.

Commissioner Langley asked if the deposit would still apply. Manager Harrell said it would.

Under general consensus, Mayor Tripp directed the manager to amend the policy and bring it back to the board or approval. Manager Harrell said he would make the changes and bring it back to the October Board meeting.

B. Consideration of Use of Gym by AAU Girls' Basketball Team for Practices

Item Explanation

Mayor Tripp asked for the item to be discussed for consideration of use of Town's gym as a practice facility for local girls' AAU basketball team.

Staff Comments

Consideration is for use of gym for practice, not games and nor funding is requested. In the past, use of the gym by outside groups has required liability insurance be provided by the user and is recommended by the Risk Management Office of the N.C. League where the Town has its insurance.

Action Requested

At Board's direction.

Mayor Tripp stated he knew someone who wanted to do a girl's travel team and needed a gym to practice in. Commissioner Davis said they really need it.

Motion to allow the group to use the gym for practice.

Motion: Commissioner Langley
Second: Commissioner Davis
Discussion: None
Approved: 4-0
Motion approved unanimously.

VIII. INFORMATION

A. Staff Departmental Reports

Manager Harrell introduced Mallory Denham, the new Economic Developer, to the Board.

IX. BOARD MEMBER COMMENTS

The Board thanked everyone for coming and staff for all of their hard work.

X. CLOSED SESSION

Motion to enter into closed session at 8:49pm pursuant to G.S. 143-318.11 (a) (5) to establish, or to instruct the public body's staff or negotiation 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: Commissioner Ross
Second: Commissioner Goff
Discussion: None
Approved: 4-0
Motion passed unanimously.

Motion to enter back into open session at 9:07pm

Motion: Commissioner Ross
Second: Commissioner Goff
Discussion: None
Approved: 4-0
Motion passed unanimously.

XI. ADJOURNMENT

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 9:09pm.

CERTIFICATION
Minutes from the September 9, 2019 meeting were adopted and certified this 14th day of October, 2019, in Ayden, North Carolina.

AYDEN, NORTH CAROLINA

Stephen W. Tripp, Mayor

Sarah W. Radcliff, Town Clerk

THE TOWN OF AYDEN INCORPORATED SEAL 1891 PITT COUNTY, NC