



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

February 11, 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 7:00 p.m.

B. Roll Call

Present:

Mayor Tripp

Mayor Pro-tem Mewborn

Commissioners Ross, Langley and Davis

Absent:

Commissioner Davenport

Also Present:

Steven Harrell - Town Manager

Sarah Radcliff– Town Clerk

Scott Dixon- Town Attorney

C. Welcome Visitors

Mayor Tripp welcomed everyone to the meeting.

D. Invocation

Mayor Tripp gave the invocation.

E. Pledge of Allegiance

Mayor Tripp led the Pledge of Allegiance.

F. Approval of the Agenda

Manager Harrell stated there were some additions to the agenda. He stated at their January meeting they had added an item for action to the agenda, but never took action on that item. He stated they needed to add approval of the Resolution Designating Applicant's Agent to the agenda.

Motion to approve the amended agenda.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

II. PUBLIC COMMENTS

Bear Baldree, 4246 Wildwood Drive, addressed the Board. He stated he had addressed the board in January regarding the condition of Wildwood Drive and had not heard anything back so he was back again. Manager Harrell stated he invited Mr. Baldree to the meeting so he could hear the answers presented tonight.

Darlene Pollard, 4202 Deer Meadow Court, addressed the Board. Ms. Pollard expressed concerns with how the Board was handling issues. She stated what was going on in here was not right.

III. PRESENTATIONS

A. Street Assessment Planning

Rich Moore, McDavid Associates, presented to the Board.

Item Explanation

Infrastructure construction has impacted existing Town-maintained streets. Resurfacing/reconstruction needs exist; however, Powell Bill allocation is limited to address entire needs throughout Town.

To assist with prioritizing use of Powell Bill funds (and any additional funds that may be available), a street assessment/evaluation program is needed.

The NC Department of Transportation (NCDOT) and the Pitt County Municipal Planning Organization (MPO) prepared a comprehensive pavement condition assessment of all roads within Pitt County in 2014. It is recommended that a program of evaluating, prioritizing and scheduling improvements be implemented to aid in annual budgeting. NCDOT and MPO will be conducting another comprehensive pavement condition assessment of all roads to begin later this year and be completed in late spring 2020.

It is acknowledged that priorities for street improvements will change each year. Developing a program for evaluation will allow the Town to re-evaluate needs annually.

Staff Comments

A representative from McDavid Associates, Inc. will be present to present a PowerPoint presentation for Town Board review.

Action Requested

For Information/Input by the Town Board.



Town of Ayden
Board of Commissioners Meeting
February 11, 2019

Street Capital Improvement Planning

Town of Ayden
Street Capital Improvement Planning

▶ **Background**

- ▶ Streets/Drainage are vital to any Town.
 - ▶ Streets/Drainage do not generate any direct revenue, but are costly to operate and maintain.
 - ▶ Streets/Drainage impact the local economy (Town is judged on appearance which always includes condition of local roads/streets).
 - ▶ Town receives Powell Bill funds from the NC Department of Transportation to support operation/maintenance of Town-maintained streets
 - ▶ NCDOT does have responsibility of several key roads within Town (Third Street, Lee Street, etc.)
-

Town of Ayden Street Capital Improvement Planning

- Powell Bill Allocation – Powell Bill funds are helpful but do not provide sufficient monies to adequately address annual street/drainage needs within the Town's road network system.
- Powell Bill funds may be used for:
 - Construction/maintenance/landscaping of Town streets (includes sidewalks)
 - Maintenance/treatment needs to include debris removal costs incurred following weather events (snow and tropical events)
 - Equipment needed to directly support Town street operation/maintenance needs

Town of Ayden Street Capital Improvement Planning

- Ayden currently is responsible for 31.02 miles of paved streets and receives an annual Powell Bill allocation from NCDOT of approximately \$150,000.
- Powell Bill funds available as of 12/31/18 were \$372,597
- \$85,000 budgeted for resurfacing and repairs for 18/19
- \$65,000, for sidewalks, storm water, curb & gutter, spot maintenance & repair, and traffic control(annual payment to railroad for crossing maintenance)

Town of Ayden Street Capital Improvement Planning

▶ Existing Conditions

- ▶ Many Town streets have been impacted by sanitary sewer replacement/rehabilitation activities (Snow Hill Street, Second Street, etc.) and existing patches:
 - ▶ Are not pleasing to look at (State financial assistance program did not approve complete resurfacing)
 - ▶ Are not good to drive on
 - ▶ Are contributing to noise and traffic backups

Town of Ayden Street Capital Improvement Planning

▶ Planning Recommendations

- ▶ Evaluate/Assess/Prioritize Street Improvements
- ▶ Annual Powell Bill Funds are not sufficient to address needs (Portion of Powell Bill Funds should be reserved for debris cleanup and current annual expenses (support salaries/equipment)).
- ▶ Consider Planning Process Similar to NCDOT

Town of Ayden Street Capital Improvement Planning

▶ NCDOT & MPO Street Assessment

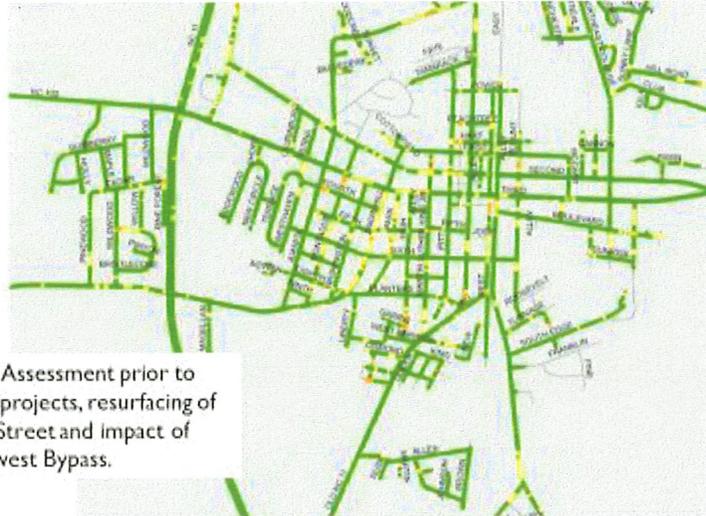
- ▶ Performed a Pavement Condition Assessment in 2014 that evaluated all streets (for all State and Municipal streets)(another assessment is set to begin in 2019 and completed in 2020)
- ▶ Each Ayden Street was rated based on NCDOT criteria and assessed for improvements
- ▶ NCDOT promotes prevention as a means of being proactive to extend life of pavement (reducing long-term costs)
- ▶ Following exhibits are from the NCDOT study:

Extract of NCDOT/MPO Assessment Report

Segment ID	Name	Section ID	From	To	Roadway Class	Dist. Area (sq ft)	Area Miles	PCI	Notes/Description	Quality	Quality Mile	Remarks
1000000001	W. 1st Street	1000000001	0+00	0+50	Local	1000	0.003	85		85	0.003	
1000000002	W. 1st Street	1000000002	0+50	1+00	Local	1000	0.003	85		85	0.003	
1000000003	W. 1st Street	1000000003	1+00	1+50	Local	1000	0.003	85		85	0.003	
1000000004	W. 1st Street	1000000004	1+50	2+00	Local	1000	0.003	85		85	0.003	
1000000005	W. 1st Street	1000000005	2+00	2+50	Local	1000	0.003	85		85	0.003	
1000000006	W. 1st Street	1000000006	2+50	3+00	Local	1000	0.003	85		85	0.003	
1000000007	W. 1st Street	1000000007	3+00	3+50	Local	1000	0.003	85		85	0.003	
1000000008	W. 1st Street	1000000008	3+50	4+00	Local	1000	0.003	85		85	0.003	
1000000009	W. 1st Street	1000000009	4+00	4+50	Local	1000	0.003	85		85	0.003	
1000000010	W. 1st Street	1000000010	4+50	5+00	Local	1000	0.003	85		85	0.003	
1000000011	W. 1st Street	1000000011	5+00	5+50	Local	1000	0.003	85		85	0.003	
1000000012	W. 1st Street	1000000012	5+50	6+00	Local	1000	0.003	85		85	0.003	
1000000013	W. 1st Street	1000000013	6+00	6+50	Local	1000	0.003	85		85	0.003	
1000000014	W. 1st Street	1000000014	6+50	7+00	Local	1000	0.003	85		85	0.003	
1000000015	W. 1st Street	1000000015	7+00	7+50	Local	1000	0.003	85		85	0.003	
1000000016	W. 1st Street	1000000016	7+50	8+00	Local	1000	0.003	85		85	0.003	
1000000017	W. 1st Street	1000000017	8+00	8+50	Local	1000	0.003	85		85	0.003	
1000000018	W. 1st Street	1000000018	8+50	9+00	Local	1000	0.003	85		85	0.003	
1000000019	W. 1st Street	1000000019	9+00	9+50	Local	1000	0.003	85		85	0.003	
1000000020	W. 1st Street	1000000020	9+50	10+00	Local	1000	0.003	85		85	0.003	

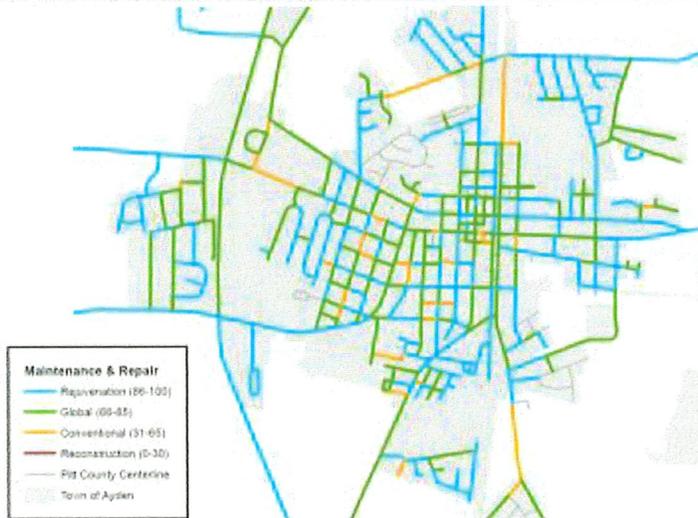
Difficult to read – NCDOT evaluated streets on a block-by-block basis and developed a spreadsheet to aid in prioritizing improvements.

Extract of NCDOT/MPO Condition Map



Note: Assessment prior to sewer projects, resurfacing of Third Street and impact of Southwest Bypass.

Extract of NCDOT/MPO Repair Map



Extract of NCDOT/MPO Annual Repair Map

Year	Weighted Average PCI	Change in PCI	Actual Cost	# of Streets	Linear Miles
2015	85.61				
2016	83.06	Drop 2.55	\$221,800	23	2.95
2017	81.76	Drop 1.30	\$294,200	23	3.55
2018	80.44	Drop 1.32	\$284,500	14	3.51
2019	80.44	Drop 1.10	\$284,500	13	3.56
2020	80.24	Drop 1.10	\$284,500	13	3.56
Total		Drop 5.55	\$1,369,500	106	18.13

—	2015 Repairs
—	2016 Repairs
—	2017 Repairs
—	2018 Repairs
—	2019 Repairs
 	PA County Centerline
 	Town of Ayden

Map shows annual work using a \$200K construction budget

Recommendation

- ▶ Inventory and Assess Streets
- ▶ Set priorities with a 5-6 year capital expense program (to be reviewed/re-evaluated annually)
- ▶ Promote assessment and allow public input into planning development
- ▶ Publish assessment/evaluation
- ▶ Use assessment as a planning tool to aid in budgeting and to seek financial assistance to expand rehabilitation/reconstruction needs.

Mayor Tripp asked where the other \$222K in Powell Bill funds was. Manager Harrell stated it was in the fund balance, undesignated. Manager Harrell said part of our CIP program would be to address what our needs are and what kind of costs we are looking at. Mayor Tripp asked if we were saving Powell Bill money. Mr. Moore said we were putting it aside. Mayor Tripp asked why we didn't spend last year's money. Manager Harrell stated we were trying to build up enough money to complete a project. Mr. Baldree asked if all of Rusk Road was resurfaced. Mr. Taylor stated yes. Mr. Baldree asked at what cost. Mr. Taylor stated \$47,700. Mayor Tripp asked how long the road was. Manager Harrell stated 150 feet.

Manager Harrell pointed out that the total amount needed from the 2014 study was around \$3M, and we get \$150,000/year in Powell Bill funds. He said that amount doesn't necessarily take into account milling the road and it can be as expensive, if not more expensive, than resurfacing.

Commissioner Langley asked if we paid for the 2014 study with other municipalities. Manager Harrell stated he didn't know what they did in 2014 but they are asking for us to give between \$6,500 and \$7,000 for this study, which is a bargain. Commissioner Langley said it looked like a great tool to evaluate our roads and asked if we followed the study and made the improvements between 2014 and 2018. Mr. Moore said he wasn't sure. He said he believed there was a priority program put in place to prioritize use of Powell Bill monies to address certain streets in town. Manager Harrell said there was a presentation made to the Town Board in January 2015 that did not follow what was in this study. He said given the amount of money required to make the improvements, they really needed a plan of action, and that was part of the Capital Improvement Plan. Commissioner Langley said his point was that we had a tool available and recommendations were made and we didn't follow that. Manager Harrell stated he wasn't even aware there was a study done in 2014 until recently.

Mayor Tripp asked what happened to the Powell Bill money from 2014. Mr. Taylor said he would have to go back and look. He said nothing was spent in 2016 or 2017. Mayor Tripp asked if any of that money was used for the street sweeper. Mr. Taylor said yes. Mayor Tripp said when the board did that, he was not in favor of it and that he told them it was a big mistake. He stated something needed to be done to the streets now and we don't need to keep putting it off.

Mr. Baldree asked if Wildwood was a priority. Manager Harrell said that prioritizing the streets would be part of the process with the Capital Improvement Plan workshop on February 25th.

IV. CONSENT AGENDA

- A. Minutes from the January 14, 2019 Board Meeting

Motion to approve the consent agenda.

Motion: Commissioner Langley

Second: Commissioner Ross

Discussion: None

Approved: 4-0

Motion passed unanimously.

V. ACTION ITEMS

- A. Adoption of Bylaws and Code of Ethics

Attorney Dixon presented to the Board.

Item Explanation

Enclosed the Town Board will find drafted Bylaws and Code of Ethics, respectively, for the Town Board as recommended by the Town Attorney. In 2009, the North Carolina General Assembly enacted legislation requiring local governing boards to adopt a resolution or policy containing a Code of Ethics to guide board members in the performance of their duties as members of the governing board.

Staff Comments

Recommendation is to adopt the enclosed Bylaws and Code of Ethics.

Action Requested

Adopt Bylaws and Code of Ethics.



RESOLUTION 18-19-23

TOWN OF AYDEN BOARD OF COMMISSIONERS CODE OF ETHICS

In 2009, the North Carolina General Assembly enacted legislation requiring local governing boards to adopt a resolution or policy containing a Code of Ethics to guide board members in the performance of their duties as members of the governing board. The assumption of the Code of Ethics is that the public trust can only be preserved by elected or appointed officials who are serious about their calling and make informed decisions that reflect core ethical principles they hold in common with their constituents.

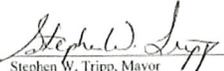
As an elected member of the Town of Ayden Board of Commissioners, we therefore resolve henceforth that each of us will strive to:

- 1) Treat other Commissioners and the public with respect and try to avoid reaching a conclusion on an issue until both sides have been heard.
- 2) Keep confidential information from legally called and held closed sessions and keep private information that the Town Attorney has determined is confidential until you are advised that it is proper to release such information.
- 3) Conduct the affairs of the Board in an open and public manner and comply with all applicable laws governing open meetings and public records. Remember that local government records belong to the public and not to the board members or their employees.
- 4) Endeavor to operate in an environment of transparency and candor. Remember it is public policy of the State of North Carolina that all hearings, deliberations, and actions of the public bodies are conducted openly and that very broad access be given to public records.
- 5) Avoid violations of the Open Meetings Law and Public Records Law which can have real legal and financial consequences and can also cause negative publicity and a loss of citizen's trust in government.
- 6) Start each meeting by asking members of the Board to voluntarily inform the other members of the board if there is any matter on the agenda that might present a conflict of interest or might require the member to be excused from voting.
- 7) Avoid deriving a direct benefit from a contract in which you are involved in making or administering on behalf of the Board. Do not attempt to influence others involved in making or administering a contract on behalf of the Board if you are not involved or if you are derived a direct benefit from the contract.
- 8) Avoid soliciting or receiving any gift or reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the Board.
- 9) Avoid receiving any gift or favor from a current, past, or potential contractor with the Board.
- 10) Attend all regularly scheduled board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings.
- 11) Endeavor to make policy decisions only after full discussion at publicly held Board meetings.

- 12) Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups.
- 13) Encourage the free expression of opinion by all Board members, and seek systematic communications between the board and all elements of the community.
- 14) Work with other Board members to establish effective Board policies.
- 15) Communicate to the other Board members the expressions of public reaction to Board policies.
- 16) Learn about the current issues of The Town of Ayden by individual study and through participation in programs providing needed information, such as those sponsored by the state.
- 17) Avoid being placed in a position of conflict of interest, and refrain from using my position on the Board for personal or partisan gain.
- 18) Take no private action that will compromise the Board and respect the confidentiality of information that is privileged under applicable law.
- 19) Remember always that a Board member's first and greatest concern must be the welfare of the Town of Ayden.

- Remember that a public officer or employee derives a direct benefit from the contact (a) if the person or his/her spouse has more than a ten (10%) ownership interest in an entity that is a party to a contract, or (b) if they derive an income or commission directly from the contract, or (c) if they acquire any property under the contract.
- In the course of your service, you will become privy to certain confidential and privileged information and your misuse of this information could result in liability both to you and the Board, including liability for reasonable attorney fees.
- Any questions or concerns regarding potential conflicts of interests should be brought to the attention of the Town Attorney.

Adopted this 11th day of February 2019.


Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:


Sarah W. Radcliff, Town Clerk



RESOLUTION 18-19-22

TOWN OF AYDEN BOARD OF COMMISSIONER BYLAWS

These Bylaws are adopted by the Town of Ayden Board of Commissioners to establish basic rules of organization, process and procedure and to provide for the efficient and effective conduct of public business for the benefit of the citizens of the Town of Ayden.

- I. Board Membership
 - a. Number of Members: The Board of Commissioners shall consist of a number of members equal to the number of wards established by ordinance in accordance with Article IV, but shall be no less than five (5) members.
 - b. Vacancies on the Board: Any vacancy caused by the death, resignation, or disqualification of a member of the Board of Commissioners shall be filled by a majority vote of the remaining members of the Board of Commissioners.
 - i. Resignation of any member of the Board shall be in writing, and shall sit on the table until the next regular meeting unless approved by unanimous consent of the Board.
 - c. Compensation: The salary of the Mayor and each Commissioner will be in such an amount as is established by the Board of Commissioners in compliance with G.S. 160A-64.
- II. Powers and Duties of the Board

The Powers and Duties of the Board shall include, but not be limited to the following:

 - a. The Board shall discharge its duties and responsibilities as set forth in the North Carolina General Statutes (G.S).
 - b. The Board shall annually review its performance. An annual review may consist of a written review and/or survey by Board Members.
- III. Methods of Operation
 - a. Board Meetings: The Board shall regularly meet on the second Monday of each month in order to consider its business. Notice of the meeting and its agenda shall be made available to the media and others requesting same as provided by law. Other meetings, including special sessions, emergency sessions or workshop sessions may be held as needed and must follow notification provisions as described by law.
 - i. Whenever a regular meeting of the Board of Commissioners falls on a town observed public holiday, it is automatically rescheduled for the next week day or other date as determined by the Board of Commissioners. The Board of Commissioners may meet on a town observed public holiday for a regular or special meeting only in the event of an emergency where immediate action by the Board of Commissioners is necessary.
 - b. Presiding Officer: The Mayor, when present, shall preside at meetings of the Board of Commissioners. In the absence of the Mayor, the Mayor Pro Tempore, when present, shall preside. In the absence of both the Mayor and the Mayor Pro Tempore, a Chairman Pro Tempore shall be chosen by the Board to preside.
 - c. Record of Proceedings: The Town Clerk shall make a record of all proceedings at meeting of the Board of Commissioners, and shall preserve that record in a book maintained for that purpose. The Town Clerk shall take "full and accurate" Minutes in compliance with

G.S. 153A-42 at meetings of the Board of Commissioners. The Minutes shall reflect matters such as motions made, the movant, points of order and appeals. In the absence of the Town Clerk, or in case of a vacancy in that office, an Acting Clerk may be appointed to make such a record.

- d. Agendas: Before actions by the Board are requested or recommended, the Board should be provided with documentation to assist members in reaching decisions consistent with established goals and policies. To request additional information, Board members shall contact the Town Manager. The Agenda for regular monthly meetings shall be as follows:
 - i. Call to order.
 - ii. Public Comments.
 - iii. Presentations.
 - iv. Public Hearing.
 - v. Consent Agenda.
 - vi. Action Items.
 - vii. Discussion.
 - viii. Information.
 - ix. Board Member Comments
 - x. Closed Session.
 - xi. Adjournment.

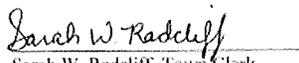
If the Board directs any matter to be the special business of a future meeting, the same shall have precedence over all other business at such meeting.
- e. Quorum: A majority of the members of the Board of Commissioners including the Mayor shall constitute a quorum for the transaction of business. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.
 - i. The Town of Ayden Board of Commissioners may only conduct business in a regular, emergency, or special meeting attended by a quorum of the Board. A quorum shall consist of three (3) Board members. If a quorum of the Board of Commissioners fails to attend any regular or a special meeting, or if for any reason such a meeting the Board shall fail to complete the transaction of the business on the Agenda, the meeting may be recessed and reconvened to any date prior to the next regular meeting, if agreed upon by a majority of the members present.
- f. Conduct of Meetings: Meetings of the Board of Commissioners shall be conducted in accordance with the most recent edition of Robert's Rules of Order:
 - i. No proposition shall be entertained by the presiding officer until it has been seconded.
 - ii. Every proposition shall, when requested by the Mayor or any member, be reduced to writing.
 - iii. The previous question may be called at any time by a majority of the members present. **A record of the ayes and noes may be called for by any member and shall be entered into the Minutes.**
 - iv. When a question is under consideration, no motion shall be received except the following, which shall have precedence in the order named:
 - a. To lay on the table.
 - b. To postpone to a time certain.
 - c. To postpone indefinitely.
 - d. To refer to a committee.
 - e. To amend.

- f. To strike out or to insert.
 - g. To divide.
 - h. Any other motion.
 - v. Any matter previously decided by the Board may be readdressed upon proper notice provided and upon approval by a majority of the Board.
 - vi. A motion to adjourn shall always be in order and shall be decided without debate.
 - g. Special Meetings: Subject to the notice requirements of the N.C. Open Meetings Law. The Mayor, the Mayor Pro Tempore, or any two members of the Board may at any time call a special Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Commissioner, or left at his usual dwelling place at least six (6) hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice. In addition to the procedures set out in this subdivision, a person or persons calling a special meeting of the Board shall comply with the notice requirements of Article 33C of G.S. Chapter 143.
 - h. Voting: All elections by the Board of Commissioners shall be by signed written ballot if requested by any two members present.
 - i. Each member of the Board, except the Mayor, shall have one vote on any recommendation, motion, proposal, or any other action item coming before the Board
 - ii. Each member, other than the Mayor, must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the Mayor, and shall state the reason for being excused and the Mayor shall take a deciding vote of the remaining members present. No member shall be excused from voting except on matters involving his/her own financial interest or official conduct. In other cases, a failure to vote by a member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote
 - i. Closed Sessions: Closed Sessions may be called upon a motion made and adopted at an open session for any of those permitted purposes described in Section 143-318 of the General Statutes of N.C., commonly known as the "N.C. Open Meetings Law", as amended from time to time. The motion shall state the purpose of the Closed Session and must be approved by the vote of a majority of those members present.
 - j. Public Hearings: The Town of Ayden Board of Commissioners declares that from time to time additional public opinion is necessary. This opinion is generally sought through the use of a public hearing. When such hearings are scheduled, the Board of Commissioners will ensure that the date, time, and location are properly advertised well in advance of the hearing date. The Town of Ayden will receive comments and information at public hearings but shall not take any formal action during the public hearing. The Town of Ayden will take under advisement comments offered at the public hearing and consider these comments for future action
 - k. Public Comments: Any citizen may be allowed to address the Board within the time restrictions (and upon such other conditions) as may be set by the Board, including but not limited to, three (3) minutes speaking time unless otherwise consented to and no issue already on the agenda be addressed.
- Change in Bylaws: These Bylaws may be amended from time to time. The procedure for amendment is by giving notice of the proposed amendments at one regularly scheduled Board meeting. Any change in the bylaws will require a two-thirds vote of the Board at the following regularly scheduled meeting of the Board.

Adopted this 11th day of February 2019.


 Stephen W. Tripp, Mayor
 Town of Ayden

ATTEST:


 Sarah W. Radcliff, Town Clerk



Commissioner Langley wanted to clarify that if something is brought back, it is done by majority vote. Attorney Dixon stated that is correct. He said that simplified the process and is generally how it is done with smaller boards.

Commissioner Ross asked if most small towns had by-laws. Attorney Dixon said most small towns do not. Commissioner Ross said we have operated without them for years and she has faith in the attorney to guide us in the right direction. She said she is opposed to the call-in vote. Attorney Dixon said the section on remote participation can be removed if they would like. Commissioner Langley stated with today's technology we should have it available. Mayor Tripp said he agreed with Commissioner Ross regarding remote participation. He felt it would not be fair to the citizens to allow remote participation. He felt they owed it to the citizens to be physically present. Attorney Dixon stated they could adopt the by-laws with that stricken from them.

Motion to adopt the Code of Ethics and the By-laws with the Remote Participation being removed from the by-laws.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 3-0 (Langley, Mewborn, Davis)

Commissioner Ross voted no.

Motion passed unanimously.

B. Adoption of Resolution in Observance of Black History Month

Manager Harrell presented to the Board.

Item Explanation

During the month of February each year in the United States, Black History Month is celebrated for the many achievements and contributions made by African Americans to our economic, cultural, spiritual and political development.

In 1915, Dr. Carter Godwin Woodson, noted Black scholar and son of former slaves, founded the Association for the Study of Negro Life and History, which was later renamed the Association for the Study of African American Life and History (ASALH). He initiated Black History Week, February 12, 1926; and for many years, the second week of February, chosen so as to coincide with the birthdays of Frederick Douglas and Abraham Lincoln, was celebrated by African Americans in the United States.

In 1976, as part of the nation's bicentennial, Black History Week was expanded and the month of February became established as Black History Month, and is now celebrated throughout the United States.

Staff Comments

A resolution is enclosed for the Town Board's adoption observing Black History Month for February, 2019.

Action Requested

By motion, adopt Resolution in Observance of Black History Month.



RESOLUTION NO. 18-19-24
OBSERVANCE OF BLACK HISTORY MONTH

WHEREAS, during Black History Month, we celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual and political development; and

WHEREAS, in 1915, Dr. Carter Godwin Woodson, noted Black scholar and son of former slaves, founded the Association for the Study of Negro Life and History, which was later renamed the Association for the Study of African American Life and History (ASALH); and

WHEREAS, Dr. Woodson initiated Black History Week, February 12, 1926; and for many years, the second week of February, chosen so as to coincide with the birthdays of Frederick Douglas and Abraham Lincoln, was celebrated by African Americans in the United States, and

WHEREAS, in 1976, as part of the nation's bicentennial, Black History Week was expanded and the month of February became established as Black History Month, and is now celebrated throughout the United States of America; and

WHEREAS, the observance of Black History Month calls our Nation's attention to the continued need to battle racism and to build a society that lives up to its democratic ideals.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Ayden that February 2019 be observed as Black History Month.

Adopted this the 11 day of February 2018 in Ayden, North Carolina.


Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:


Sarah W. Radcliff, Town Clerk



Motion to adopt the resolution in observance of Black History Month.

Motion: Commissioner Langley

Second: Commissioner Davis

Discussion: None

Approved: 4-0

Motion passed unanimously.

C. Restrooms at Veterans' Park

Thomas Duncan presented to the Board.

Item Explanation

The recommended location of restrooms at Veterans Park is alongside the west side of the tennis courts in the grassy area between the courts and the playground. This location affords good access to existing water and sewer lines and easily connects to existing paved pedestrian walkways for ease of ADA compliance of the restrooms. This location does have the recommendation of the Arts & Recreation Commission. See enclosed map of the park with location of restrooms marked. The building will be similar to the restroom building at District Park. It will have two (2) restrooms and a small storage area.

Quotes for the restrooms' construction were:

M. W. Baker Construction	\$73,777
Bill Walker	\$72,100
Albritton Construction	\$63,843
Tripp Bros.	\$76,250 (\$30,500 to the town see below under Staff Comments)

\$65,000 was budgeted in FY18-19 for the restrooms.

Staff Comments

Staff recommends that the Governing Board concur with the Arts & Recreation Commission to approve the location of the restrooms in Veterans Park.

Tripp Bros. Construction has submitted a proposal to construct the restrooms for \$30,500.00, donating 60% of its quote in order to obtain naming rights. This meets the criteria of Ayden Arts and Recreation Sponsorship, Naming Rights, and Donation Policy as specified in the manual, page 15, under Procedures & Guidelines. These procedures and guidelines for major donations have been established to ensure that the naming of parks and/or recreational facilities is approached in a consistent manner.

Guidelines

- Contribution of a minimum of 60% of the capital construction costs associated with existing park/recreational facility.

Tripp Bros. Construction would like to name the building after Ann Creech. Ann Creech served on the Arts and Recreation Commission for nine (9) years. She served as Chairperson for Ayden Community Theater as well as volunteering for various other community events. Ms. Creech also played a key role in getting the grant from Trillium for the All Inclusive Playground located in Veterans Park.

Staff recommends that the Governing Board award the bid to for Tripp Bros. Construction in the amount \$30,500.00 and to approve naming the building after Ann Creech.

Action Requested

By motion approve recommended location of restrooms and approval of Tripp Bros. proposal.

Mayor Tripp asked if there was enough walking space on the back side of the restrooms to the fence. Manager Harrell stated there was. He said they had measured it and it was plenty wide enough for people to walk through. Mayor Tripp said it was very gracious of Tripp Brothers to do this and Anne Creech was crucial to the Town getting the Trillium donation to the park. He suggested the whole area be named after Anne and asked the Board to consider it. Mayor Pro-tem Mewborn said he liked that idea. Mayor Tripp said they could have a sign stating that Trillium was a big contributor to the park and name that section after Anne Creech as well.

Mayor Pro-tem said he was concerned about the upkeep of the restrooms and the hours, etc. Mr. Duncan said the upkeep would fall under the Recreation Department. He said there would be timers on the restrooms doors to unlock them in the morning and lock them at sunset.

Commissioner Langley asked if they would have twice a day checks of the restrooms and signs for who to contact. Mr. Duncan said with his current staff, they would clean the restrooms each morning. He said they could have a sign made for who to contact if there were issues to report.

Mayor Pro-tem Mewborn asked if the area was going to be monitored with cameras. Mr. Duncan said they did not have cameras to monitor the area. He said he could meet with Chief Stanley and discuss their options.

Motion to approve recommended location of restrooms and approval of Tripp Bros. proposal, with the addition of naming the entire area for Anne Creech.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

D. 2018 CDBG-Neighborhood Revitalization (CDBG-NR)

Rich Moore, McDavid Associates, presented to the Board.

Item Explanation

On October 31, 2018, the Town submitted an application for \$750,000 of CDBG-NR funds to the NC Dept. of Commerce. The application contained \$250,000 for improvements at the Arts and Recreation Center (ADA bathrooms & Gym HVAC) and \$450,000 for owner occupied housing (3 rehabilitations & 2 replacements) and \$50,000 for program management. The Town local commitment for the program is \$250,000.

Staff Comments

The Town has received notification Commerce intends to fund the Town's CDBG-NR grant application. The Board needs to take the following actions to initiate work on the project.

1. Accept the CDBG-NR grant offer
2. Budget the funds
3. Authorize the Manager to procure and contract management and technical services for the project.

Attached are resolutions and a budget to accomplish these actions.

Action Requested

1. Approve the Resolution to accept the grant funding
2. Approve the Program Budget
3. Approve the Resolution to authorize the Manager to procure and contract management and technical services

Mayor Pro-tem Mewborn asked if the 3 rehabilitations and 2 replacements had already been identified. Mr. Moore said they had. He stated the rehabilitations were for Joan Joyner at 4292 Montague Avenue, Betty and James Artis at 298 Allen Drive, and Colleen Barfield at 548 Turnage Street. He said there were two reconstructions and they were for Joseph Michael Phillips at 564 First Street and Teresa Clark at 4308 Joyner Street.

Commissioner Langley asked if they could get a copy of the list. Mr. Moore said he would email them.

**GRANT PROGRAM BUDGET
TOWN OF AYDEN
2018 CDBG NEIGHBORHOOD REVITALIZATION PROGRAM**

Be it ordained by the Board of Commissioners of the Town of Ayden, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, Ayden adopts the following Grant Program Budget:

Section 1. The Program authorized is the Community Development Block Grant Neighborhood Revitalization Program (CDBG-NR) as described in the work statement contained in the anticipated Grant Agreement between Ayden and the State of North Carolina. This project is more familiarly known as the Ayden 2018 CDBG-NR Program.

Section 2. The officers of this unit are hereby directed to proceed with the Grant Program Budget within the terms of the grant documents, the rules and regulations and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this Program:

Community Development Funds	\$ 750,000
Town Revenues	250,000
TOTAL	\$ 1,000,000

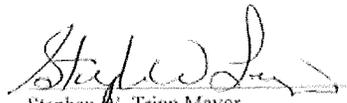
Section 4. The following amounts are appropriated for the Program:

Senior & Handicapped Centers	135,000
Neighborhood Facilities	365,000
Private Housing Rehabilitation	450,000
Administration	50,000
TOTAL	\$ 1,000,000

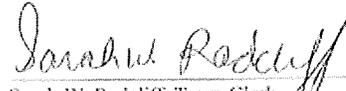
Section 5. The finance officer is hereby directed to maintain within the Grant Program Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement and federal and state regulations, and is authorized to sign Budget Revisions to amend this budget within limits authorized for budget changes not requiring a program amendment.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Adopted this 11th day of February, 2019.


 Stephen W. Tripp Mayor

ATTEST:


 Sarah W. Radcliff, Town Clerk



Motion to approve the program budget.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 4-0

Motion passed unanimously.



RESOLUTION 18-19-25
BY THE BOARD OF COMMISSIONERS
OF THE
TOWN OF AYDEN
2018 CDBG-NR PROGRAM

WHEREAS, Ayden has the need for housing improvements at scattered sites in Ayden and neighborhood facility and ADA access improvements at the Arts and Recreation Center, and;

WHEREAS, Ayden has applied for funding from the State of North Carolina under the Small Cities Community Development Block Grant Program, and;

WHEREAS, Ayden expects to be offered a \$750,000 grant under the Small Cities Community Development Block Grant-Neighborhood Revitalization Program;

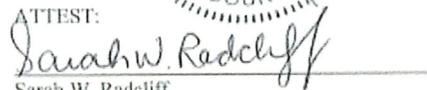
NOW, THEREFORE, BE IT RESOLVED, *by the Ayden Board of Commissioners, contingent upon receipt of a Grant Agreement, Ayden hereby accepts the State of North Carolina Small Cities Community Development Block Grant offer of \$750,000;*

THAT, Stephen W. Tripp, Mayor, *is hereby authorized to accept this grant offer on behalf of Ayden and execute the Grant Agreement and Funding Approval;*

Adopted this 11th day of February, 2019, at Ayden, North Carolina.




Stephen W. Tripp
Mayor

ATTEST:

Sarah W. Radcliff
Town Clerk

Motion to approve the Resolution to accept the grant funding.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 4-0

Motion passed unanimously.



RESOLUTION 18-19-26
BY THE BOARD OF COMMISSIONERS
OF THE
TOWN OF AYDEN
2018 CDBG NEIGHBORHOOD REVITALIZATION PROGRAM

WHEREAS, Ayden has applied for funds under the 2018 CDBG Neighborhood Revitalization (CDBG-NR) Program, and;

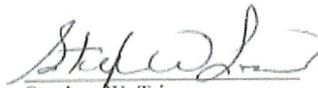
WHEREAS, Ayden has received notification from the North Carolina Department of Commerce the Town will receive 2018 CDBG-NR funding, and;

WHEREAS, Ayden needs professional program management, technical housing and architectural services to execute the program in accordance with all applicable Federal, State and Local standards, and;

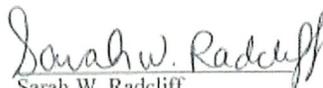
NOW, THEREFORE, BE IT RESOLVED, *by the Board of Commissioners hereby authorizes the Town Manager to complete procurement and selection of providers for Program Management Services, Technical Housing Services and Architectural Services, and;*

THAT, *Steven L. Harrell, Town Manager, is hereby authorized to execute professional services contracts between the selected service providers and the Town of Ayden contingent upon satisfactory receipt and execution of a Grant Agreement between the Town of Ayden and the Department of Commerce.*

Adopted this 11th day of February, 2019, by the Ayden Board of Commissioners.


Stephen W. Tripp
Mayor

ATTEST:


Sarah W. Radcliff
Town Clerk



Motion to approve the resolution to authorize the manager to procure and contract management and technical services.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

- E. Amendment to Chapter 151 of the Town of Ayden Code of Ordinance (continued from December 10, 2018 Town Board Meeting)

Manager Harrell presented to the Board.

Item Explanation

Chapter Section 151.01 of the Code of Ordinances sets out the establishment, powers and duties of the Town's Planning Board. Under paragraph (B)(see enclosed), conduct of meetings and the selection of officers(i.e., Chairman) are set out. This paragraph states: "The Planning Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public." The actual practice of the Planning Board for years now is not to hold a meeting if there is no scheduled business before the Board; additionally, the Board has had a practice of not holding a meeting in December.

Staff Comments

In researching the requirements under N. C. State Statutes for local government planning boards, staff has found that there is no requirement that a local planning board shall meet at least monthly (see attached NCGS 160A-361). The standards for scheduling meetings are locally established. Enclosed is also an UNC School of Government article entitled "Planning Board Basics" that lays out the basic duties of local planning boards; this article also cites the enclosed NCGS 160A-361.

Since State Statute has no meeting scheduling requirements and the practice of the Ayden Planning Board for years now has been not to hold a meeting if there is no scheduled business before the Board and a practice of not holding a meeting in December, the Town's Code of Ordinances, Section 151.01 is recommended to be amended to reflect that the Planning Board does not have a requirement for at least one meeting monthly.

The enclosed ordinance amendment to Chapter 151.01 of the Ayden Code of Ordinances removes the language with regard to the Planning Board having to hold at least one meeting monthly. Also, enclosed are copies, as examples, of the nearby municipalities of Greenville, Wilson and Winterville codes establishing their respective planning boards in which the codes set for the powers and duties of the boards but do not establishment meeting scheduling requirements.

This item first came before the Town Board at its December 10, 2018 meeting for consideration. At that meeting, the Town Board instructed staff to take this matter to the Planning Board at its January 22, 2019 meeting for its recommendation to the Town Board. At the Planning Board's January 22nd meeting, it discussed this matter and recommends that the Planning Board need not meet in a month in which there is no business for action by the Planning Board.

The Amendment to Chapter 151 of the Town of Ayden Code of Ordinances as presented to the Town Board at its December 10, 2018 meeting is again in your packet for consideration for adoption. The amendment removes the requirement for the Planning Board to have at least one meeting monthly and states the Planning Board need not meet in a month in which there is no business for action by the Planning Board.

Action Requested

By motion, adopt ordinance amendment removing the requirement for at least one meeting monthly for the Ayden Planning Board.

Mayor Pro-tem Mewborn asked what would be a reason that they wouldn't have any business. Manager Harrell said if they didn't receive any rezoning requests, requests from the public, etc. Mayor Pro-tem asked if this was the same as saying we don't have objectives every month. Manager Harrell said there are months where we don't have anything that needs action or approval. Mayor Pro-tem said it seems like there would be something to do every month with everything that is going on in the town. Manager Harrell said if that is what they wanted to do, they would leave it as is and they would just have to find something to discuss each month.

Motion to adopt the ordinance amendment removing the requirement for at least one meeting monthly for the Ayden Planning Board.

Motion: Commissioner Ross

Second: None

Motion dies.

Commissioner Davis asked if there was nothing to talk about, why would you have a meeting. Mayor Pro-tem said he felt the same way, but we need to be in hustle mode.

Commissioner Langley said in 2017 there were 3 meetings not held due to no business. He said they could use those times for training the board members.

F. Award of Technical Service for CWSRF Project

Item Explanation

The Town of Ayden has been awarded a Clean Water State Revolving Fund (CWSRF) loan of \$1,305,130 (50% of loan up to a maximum of \$500,000 will be forgiven) from the Division of Water Infrastructure to rehabilitate/repair sections of the Town's aged sanitary sewer collection system.

1. Under federal guidelines, the Town shall conduct the procurement of Engineering Technical Services via a Request for Proposals in accordance with 24 CFR 85.36 (Competitive Negotiation). Proposals received by the deadline and prepared in accordance with the RFP instructions will be reviewed to determine the most advantageous level of service.
2. The Town will select the Consultant best qualified to provide the desired level of service and address the long-term best interest of the Town without regard to fee other than unit price information.
3. After selection of the best qualified firm to meet the criteria above, the Town shall negotiate a fair and reasonable fee with the firm for the desired level of service.

Staff Comments

Enclosed the Town Board will find proposals from the two (2) engineering firms that responded to our Request for Proposals; McDavid & Associates in Farmville and Green Engineering in Wilson, respectively. Enclosed also is a scoring matrix on the qualifications of the two (2) firms.

As the Board will see, both firms scored an overall rating of 165 points with McDavid having the considerable edge in familiarity with our existing facilities & utilities and Green with the edge in the hourly rate schedule.

As noted above, the selected engineering consultant is selected as the one best qualified for the desired level of service and addresses the long-term interest of the Town. With that in mind, McDavid has in-depth knowledge of our existing facilities & utilities and given the magnitude of our sanitary sewer I & I project, staff recommends the Town Board authorize staff to negotiate a Technical Services Agreement with McDavid and bring the negotiated agreement to the Town Board's March 11th meeting for approval.

Action Requested

By motion, authorize staff to negotiate a Technical Services Agreement with McDavid and bring the negotiated agreement to the Town Board's March 11th meeting for approval.

Commissioner Langley asked if McDavid was hubzone certified. Mr. Moore said they were not. Commissioner Langley asked if we counted any points for Green being hubzone certified. Manager Harrell said that was not in the matrix.

Commissioner Langley asked if they had to make a decision tonight. He wanted to know if the Town could benefit from using a company that was hubzone certified. Mr. Moore stated since that wasn't in the original

RFQ, they would have to go through the process again and revise the matrix. Commissioner Langley said he wasn't asking that it be included in the matrix, just if there would be any benefits associated with that. Mr. Taylor said there were none that he was aware of.

Commissioner Langley asked if we could look into that for future matrixes.

Motion to authorize staff to negotiate a Technical Services Agreement with McDavid and bring the negotiated agreement to the Town Board's March 11th meeting for approval.

Motion: Commissioner Langley

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 4-0

Motion passed unanimously.

G. Budget Amendments – Fire Truck

Rob Taylor, Finance Director, presented to the Board.

Item Explanation

The Town anticipated purchasing a new fire truck and approved a \$50,000 down payment from the general fund and a matching \$50,000 from Rural Fire in its FY18-19 budget. The Town also budgeted in the Rural Fire Fund a \$25,000 contribution from Pitt County. When originally budgeted, it was interpreted Rural Fire's \$50,000 contribution would be made up of the \$25,000 from the County and \$25,000 from Rural Fire. However, Rural Fire's intent was to match the Town's contribution dollar for dollar and the County's contribution would be an additional \$25,000. The total budgeted down payment should have been \$125,000, not \$100,000. A budget amendment is required to approve the additional \$25,000 down payment from Rural Fire. The additional amount will come from Rural Fire's fund balance.

While the Town anticipated ordering the new fire truck and providing a down payment in FY18/19, it was anticipated the truck would arrive in next year's budget – FY19/20 and the remaining amount due would be paid and financed at that time. However, if the unit is pre-paid when the order is placed this year, the Town and Rural Fire will receive a discount and save \$16,000.

Staff Comments

Staff recommends approving amendments to the FY18/19 budget to 1) account for Rural Fire's additional down payment contribution and 2) advance original payment plans for truck to take advantage of savings offered by manufacturer. The savings more than the offsets the interest costs to borrow the funds early and will provide the Town and Rural Fire a \$12,000 net savings.

Action Requested

By motion, authorize budget amendments for additional down payment, prepayment/capital outlay for unit and financing the unit.



ORDINANCE No. 18-19-17

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

Budget Amendment 3

WHEREAS, Rural Fire will match the Town's down payment of \$50,000 toward the purchase of a new truck, and

WHEREAS, the Town of Ayden desires to receive a discount on the new fire truck by pre-paying for the unit in the current budget year, and

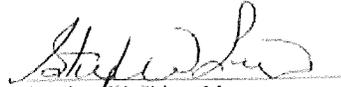
WHEREAS, the Town desires to finance the balance of the costs after the Town's, Rural Fire's and County's contribution down payment,

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Ayden authorize the prepayment purchase of the new fire truck and financing in the amount of \$407,996 and an additional \$25,000 Town payment from Rural Fire and that the FY 17/18 budget ordinance be amended as follows:

General Fund	Current	Revision	Revised
Revenues/Other Financing Sources			
Issuance of debt	\$ -	\$407,996.00	\$ 407,996.00
All Other General Fund Revenues and OFS	<u>\$ 4,983,601.00</u>	<u>\$ -</u>	<u>\$ 4,983,601.00</u>
Total Estimated Revenues and OFS	<u>\$ 4,983,601.00</u>	<u>\$ 407,996.00</u>	<u>\$ 5,391,597.00</u>
Expenditures/Other Financing Uses			
Fire - Capital Outlay	\$ -	\$407,996.00	\$ 407,996.00
All Other General Fund Expenditures and OFU	<u>\$ 4,983,601.00</u>	<u>\$ -</u>	<u>\$ 4,983,601.00</u>
Total Estimated Expenditures and OFU	<u>\$ 4,916,176.00</u>	<u>\$ 407,996.00</u>	<u>\$ 5,391,597.00</u>
Rural Fire			
	Current	Revision	Revised
Revenues/Other Financing Sources			
Rural Fire Fund Balance Appropriated	\$ 44,194.00	\$ 25,000.00	\$ 69,194.00
All Other General Fund Revenues and OFS	<u>\$ 187,330.00</u>	<u>\$ -</u>	<u>\$ 187,330.00</u>
Total Estimated Revenues and OFS	<u>\$ 231,524.00</u>	<u>\$ 25,000.00</u>	<u>\$ 256,524.00</u>
Expenditures/Other Financing Uses			
Rural Fire - Capital Outlay	\$ 50,000.00	\$ 25,000.00	\$ 75,000.00
All Other General Fund Expenditures and OFU	<u>\$ 181,524.00</u>	<u>\$ -</u>	<u>\$ 181,524.00</u>
Total Estimated Expenditures and OFU	<u>\$ 231,524.00</u>	<u>\$ 25,000.00</u>	<u>\$ 256,524.00</u>

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

Adopted this the 11th day of February 2019.


Stephen W. Tripp, Mayor

Attest:

Sarah W. Radcliff, Town Clerk



Motion to approve enclosed FY18-19 Budget Ordinance amendment for \$67,425 from General Fund fund balance.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: Mayor Tripp asked if the \$65,000 payment would be split by both departments. Mr. Taylor said yes. Mayor Tripp asked if he felt seven years was okay. Mr. Taylor said the last truck was financed on six years and that payment will be gone before the new one starts. He said he thought seven years was good. Mayor Tripp asked if this would be a cab truck. Sam Jones, Fire Chief, said it was a custom cab fire engine made by Pierce Manufacturing and would be a sister truck to the last one they bought. Mayor Tripp asked what it would be replacing. Mr. Jones said they wouldn't actually be getting rid of a truck. He said they have a 1986, that is essentially a dinosaur, but on paper it counts as ISO points on their next inspection. He said it doesn't have to be maintained or equipped, and is in the best interest of both the city and the rural to keep it.

Approved: 4-0

Motion passed unanimously.

H. Resolution Accepting Financing Agreement- Fire Truck

Item Explanation

The Town has agreed to purchase a new fire truck for the Fire Department and have the vehicle financed. The Finance Department issued a Request for Proposals for financing from local banks. Proposals were to be received by 5:00pm, February 1, 2019 by 5:00pm. The vehicle will need to be prepaid with an anticipated six (6) month build time. Town, Rural Fire and Pitt County will collectively put down \$125,000 toward the truck. The remainder will be financed over 7 years with the first payment due February 2020.

Staff Comments

Town received one bid, one from BB&T at 3.20% APR. Estimated annual payment will be \$65,980.44.

Action Requested

Approve bid.



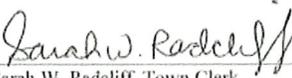
RESOLUTION NO. 18-19-27
RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The Town of Ayden ("Town") has previously determined to undertake a project for the financing of a Pierce Enforcer pumper fire truck, (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through BB&T ("BB&T"), in accordance with the proposal dated January 28, 2019. The amount financed shall not exceed \$407,996, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.20%, and the financing term shall not exceed seven (7) 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 expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the 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 11th day of February, 2019.

By: 
Sarah W. Radcliff, Town Clerk

By: 
Stephen W. Tripp, Mayor



Motion to approve the bid from BB&T.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

I. Contracted Information Technology Services

Rob Taylor, Finance Director, presented to the Board.

Item Explanation

The Town is currently under a five year contract with VC3 to manage all of the Town's information technology systems. The contract is due to expire on June 30, 2019. The Town has worked with VC3 for over 15 years. With the Town's conversion to Tyler Incode financial software in May of 2017 and the hosting of the software by Electricities in October 2018, the Town's IT needs have changed. With the changes and VC3s contract expiring, staff felt it was prudent to interview other IT firms. Staff is recommending Cybersharks in Greenville. The firm has been in operation for over 20 years and has a knowledgeable staff. They are local and can respond quickly to issues. Their IT services are estimated to save the Town \$25,000 annually over our current cost. Finally, Cybersharks would not require a multi-year contract giving the Town flexibility to make changes in the future if necessary without penalty.

Staff Comments

Under our current contract with VC3, we could leave early, but would be required to pay out the remaining amount due on our contract. For the transition to go smoothly, Cybersharks needs to start planning and developing background protocols and systems now. VC3 will continue to manage our systems until their contract expires.

Action Requested

Consent to transfer IT services to Cybersharks starting July 1, 2019.

Mayor Tripp asked what he meant by "no contract". He asked if there would be an agreement. Mr. Taylor said they would have an agreement and a set price but he could pick up the phone at any time and end their services. Mayor Tripp asked if they could do the same. He said we still needed to be protected somehow. Mr. Taylor said he would speak to them about having a 30-60 day notice either way.

Motion to transfer services to Cybersharks starting July 1, 2019.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 4-0

Motion passed unanimously.

J. Amend the NCEast Alliance Agreement for FCC Project Management Work

Manager Harrell presented to the Board.

Item Explanation

In October, 2017, the Town Board authorized use of the remaining balance \$48,957.38 of the Town's 2016 grant of \$100,000 from the Department of Commerce to fund the project management of the planned FCC

through the existing consulting agreement with the NCEast Alliance working with the ENCFCC Board of Directors. See October, 2017, agreement with NCEast Alliance.

In November, 2018, Mr. Keith Purvis, ENCFCC Project Manager from the NCEast Alliance, presented the Town Board the enclosed powerpoint as to the status of the Food Commercialization Center. Since that time, Mr. Purvis, Town Manager Harrell and the ENCFCC Board of Directors worked with the East Carolina University Small Business Institute to complete an updated Business Plan Analysis of the Food Commercialization Center (see enclosed Executive Summary and Firm Analysis, 34 pages of a 97 page report). Additionally, Mr. Purvis and Town Manager Harrell in January met with N.C. Senator Brent Jackson and, also, in January Rep. Dr. Greg Murphy met with members of the ENCFCC Board of Directors, both meetings to ask for General Assembly help with matching funds for the federal EDA grant. Enclosed is the one page information sheet on the Food Commercialization Center as developed by the ENCFCC Board to be used in our efforts to secure these matching funds from the General Assembly.

Members of the ENCFCC Board of Directors also are meeting on February 12th here locally with Hillary Sherman of the federal EDA to continue ongoing meetings with Ms. Sherman for her assistance in submitting the application for the EDA grant for the Food Commercialization Center.

Staff Comments

The \$48,957.38 used for project management costs contracted with NCEast Alliance have been expended as of January 31, 2019. Costs of project management have averaged \$3,142 monthly.

As reported above, the ENCFCC is continuing the pursuit of EDA grant matching funds from the General Assembly as well as continuing plans for the Food Commercialization Center, thus project management costs for the Center are ongoing. The efforts of Project Manager Keith Purvis have been very effective and remain crucial to the success of the materialization of the Center.

The Town's FY18-19 budget included \$36,000 in the General Fund budget against the cost of hiring an Economic Developer – the balance of that cost being in the Electric Fund and Water/Sewer Fund. As this position is yet to be filled, the full balance of the position remains.

Staff recommends allocating a portion of the General Fund's Economic Developer's funding to continue with the agreement for Food Commercialization Center project management costs provided by the NCEast Alliance through the end of this FY18-19. At the average monthly cost for this service of \$3,142, as stated above, this amounts to \$15,710. Enclosed the Town Board will find a resolution approving amending the agreement with NCEast Alliance at an amount not to exceed \$16,000 for continued Food Commercialization Center project costs.

Action Requested

By motion, approve the attached resolution to amend the NCEast Alliance agreement with the Town to continue project management costs for the Food Commercialization Center.

Motion to approve the attached resolution to amend the NCEast Alliance agreement with the Town to continue project management costs for the Food Commercialization Center.

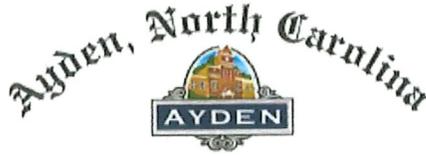
Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.



RESOLUTION NO. 18-19-28

Resolution to Approve and Execute Amended Agreement with NC East Alliance to Administer ENCFCC Project Management Work

WHEREAS, the Board of Commissioners of the Town of Ayden, NC, desires to continue to retain the services of NCEast Alliance for consulting work related to the Food Commercialization Center Project to continue its assistance in the ongoing project management of the proposed Eastern North Carolina Food Commercialization Center (ENCFCC); and

WHEREAS, said continued project management not to exceed \$16,000.00;

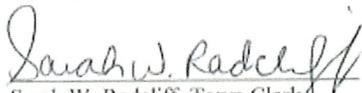
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Ayden, NC, that the Board:

1) Authorizes the use of current Town economic development funds to pay NCEast Alliance for ongoing project management of the proposed ENCFCC and authorizes Mayor Tripp to execute an appropriate amendment to the agreement with NCEast Alliance to provide the project management.

Adopted this the 11th day of February 2019 in Ayden, North Carolina.


Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:


Sarah W. Radcliff, Town Clerk



K. Ordinance for Demolition of Dwelling at 4320 Blount Street

Stephen Smith, Planning Director, presented to the Board.

Item Explanation

As evidenced in the attached material, 4320 Blount Street (PN 13108) has been declared a public nuisance pursuant to Chapter 96.21(b) of the Town of Ayden Code of Ordinances, by which it has been determined that the property presents a threat to the public's health, safety, and welfare. Additionally, the property has been declared unsafe pursuant to Chapter 150.30 of the Town of Ayden Code of Ordinances. As such, the Town Manager or his designee has declared the property unfit for human habitation as authorized by NCGS 160A-443 and the Town of Ayden Code of Ordinances.

Staff Comments

The property has been abandoned and damaged for a considerable period of time. Code Enforcement Officer Wayne Hardee inspected the site on July 17, 2018 and found continued deterioration of the structure. As required, Mr. Hardee sent notice to the property owner, Beatrice Kittrell, and scheduled a hearing for

November 30, 2018 to discuss a course of action with the owner. This hearing notice was also published in the newspaper. The property owner did not attend the hearing and has not contacted our office after several attempts by staff to make contact. A public notice is also posted at the location. No corrective actions have been taken on said property.

As authorized by the North Carolina General Statutes and Town Code, staff is recommending that the Board of Commissioners take action to cause the structure to be demolished at the Town's doing and a lien be placed upon the property.

Action Requested

Adopt Ordinance 18-19-16 Demolition of Dwelling at 4320 Blount Street.

Motion to approve.

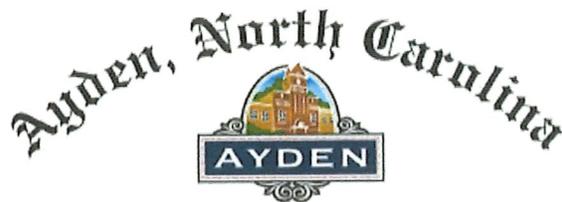
Motion: Commissioner Davis

Second: Commissioner Ross

Discussion: None

Approved: 4-0

Motion passed unanimously.



ORDINANCE NO. 18-19-16
AN ORDINANCE ADOPTED BY THE AYDEN GOVERING BOARD
REQUIRING THE OWNER TO DEMOLISH AND REMOVE
THE DWELLING LOCATED AT 4320 BLOUNT STREET (Pitt Co. Parcel #13108)
IN AYDEN, NC

WHEREAS, pursuant to the enforcement of the Unsafe Building Code contained in Section 150.30-150.36 and the Model Housing Code contained in Section 152.01-152.05 of Chapter 150, Title XV of the Town of Ayden Code of Ordinances as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the NC General Statutes, the dwelling described herein has been vacated for at least one year and has been declared by the Town Manager or his designee to be unfit for human habitation; and

WHEREAS, the Board of Commissioners of the Town of Ayden hereby finds that letters were sent to the property owners by both certified mail and regular mail notifying such owners of a hearing in the Code Enforcement Officer's office concerning the condition of the dwelling in question, that such hearing occurred on **November 30, 2018**, at which time the Code Enforcement Officer found that the property in question constitutes a fire or safety hazard or is dangerous to life, health, or other property to the community and should as a result be demolished, and that it is likely that repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to its value such that removal or demolition of the dwelling is warranted under the provisions of NCGS 160A-443 ; and

WHEREAS, NCGS 160A-443 (5) states that before demolition can be required, the property owner must first be given a reasonable opportunity to bring the structure into conformity with the Model Housing Code; and

WHEREAS, the Board of Commissioners of the Town of Ayden hereby acknowledges that the property owners were given this reasonable opportunity to bring such dwelling into conformity with the Model Housing Code or to remove and demolish such dwelling before the Town seeks to effect a demolition of such dwelling itself.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Ayden that:

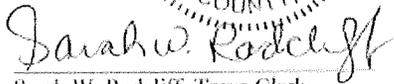
1. The Town Manager or his designee is hereby authorized and directed to proceed to demolish and remove the dwelling owned by **Beatrice Kittrell, PO Box 7241, Greenville, NC 27835**, said property located at 4320 Blount Street, Ayden; and
2. The cost of demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the NC General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal and demolition and any balance remaining shall be deposited in Superior Court where it shall be secured and disbursed in the manner provided by NCGS 160A-443 (6); and
3. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the Grantor Index; and
4. This ordinance shall become effective upon its adoption.

Adopted this the 11th day of February 2019.




Stephen W. Tripp, Mayor

Attest:


Sarah W. Radcliff, Town Clerk

L. Adoption of Americans with Disabilities Act Town Grievance Procedures

Mr. Harrell presented to the Board.

Item Explanation

At a December 12, 2018 N.C. League of Municipalities' workshop in Kinston, the League and the N.C. Department of Transportation (NCDOT) provided information to attending municipalities about the need for municipalities to revisit and implement compliance with the Americans with Disabilities Act of 1990. The United States Department of Transportation has tasked the NCDOT with overseeing the implementation of ADA compliance within municipalities of the state. This compliance includes both pedestrian facilities in public rights-of-way and on public property, as well as compliance within vertical structures (i.e., buildings).

One of the first steps in coming into compliance with the ADA is for a municipality to adopt an Americans with Disabilities Act/Section 504 Policy Statement. The Town Board adopted the Town of Ayden ADA Policy Statement last month and said policy is now posted on the Town's website. The ADA also requires the development and adoption of ADA Grievance Procedures. Staff reported last month that it would develop ADA Grievance Procedures as well for adoption by the Town Board at its February 11, 2018 meeting.

Staff Comments

Enclosed the Town Board will find the recommended Town ADA Grievance Procedures and Complaint Form. These documents are modeled after the ones used by the NCDOT as provided at the League workshop in Kinston and as provided by Town staff to the Town Board at its meeting last month. The Town ADA Grievance Procedure and Complaint form was reviewed by the Ayden Town Attorney as to form and content and approved as such by him.

Once approved by the Town Board the Town ADA Grievance Procedures and Complaint Form will be posted on the Town's website.

Action Requested

By motion, adopt the enclosed ADA Grievance Procedures and Complaint Form for the Town of Ayden.

Motion to adopt the enclosed ADA Grievance Procedures and Complaint Form for the Town of Ayden.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

M. Approval of Ad for NC Sports Hall of Fame 2019 Program Book

Item Explanation

Attached is an advertising form that the Town Board may be interested in using to salute Ayden native and former student-athlete, Paul F. Miller for his upcoming induction into the North Carolina Sports Hall of Fame (NCSHOF) on Friday, May 3, 2019 at the Raleigh Convention Center.

Mr. Miller has been an Ayden Highest Hero Award recipient and a recipient of the Community Foundation Inc. Legend Award. Although he left Ayden after high school graduation in 1968 to attend the University of North Carolina at Chapel Hill, he has never forgotten that he grew up here. Not only does he express his love for this small town but he has often given back to it in many ways financially.

He is a successful business man and his athletic exploits in Ayden and at UNC are well-documented, thus meriting his induction into the NCDHOF.

The January 22, 2019 press release from the NC Museum of History of announced NCSHOF 2019 inductees is enclosed, as well.

Staff Comments

Full page ad is \$400 and half page ad is \$300.

Action Requested

At Town Board's direction.

Motion to purchase a full page ad in the amount of \$400.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 4-0

Motion passed unanimously.

N. Approve Participation in Eastern Home and Living Expo March 2, 2019

Manager Harrell presented to the Board.

Item Explanation

Enclosed is information about the upcoming Saturday, March 2, 2019 Eastern Home and Living Expo. Our Town participated, along with the Ayden Chamber of Commerce in this marketing opportunity for our community with advertising and a booth in the last two years' expo. The Expo last two years included Greenville Utilities Commission and our own Gwendies' Goodies, Lanoca Coffee and Alarita's Sauces with booths. Great opportunity again to market our community in the region. Both years our booth was visited by a good number of realtors and the public. Our booth was manned by volunteers from the Chamber Board members and Town staff.

Staff Comments

Recommendation is to go with a Package B if approved by the Town Board, as shown in the enclosed flyer on the expo. This would be 3 months of commercials, for \$675 per month for three months and one free booth. We also were able to negotiate a reduced rate of \$150 per booth for any local business that participates along with an entire corner of the convention center floor is being reserved for the Town of Ayden booths along with an overhead sign reading "Welcome to Ayden".

Action Requested

Approve \$2,025 Eastern Home & Living Expo and authorize Town Manager to execute ad package agreement.

Commissioner Langley asked if she should abstain since he stands to benefit from this. Attorney Dixon said that would not be necessary.

Motion to approve using \$2,025 for the Eastern Home & Living Expo and authorize Town Manager to execute ad package agreement.

Motion: Commissioner Ross

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

O. Resolution Designating Applicant's Agent

Manager Harrell stated the Board needed to approve the Resolution naming him as the primary agent and Rob Taylor as the secondary agent for the North Carolina Division of Emergency Management.

RESOLUTION (18-19-2)	
DESIGNATION OF APPLICANT'S AGENT	
North Carolina Division of Emergency Management	
Organization Name (hereafter named Organization) TOWN OF AYDEN	Disaster Number: 4393-DR-NC
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): TOWN OF AYDEN	
Applicant's Fiscal Year (FY) Start 2019	Month: 07 Day: 01
Applicant's Federal Employer's Identification Number 58 - 6001170	
Applicant's Federal Information Processing Standards (FIPS) Number	
PRIMARY AGENT	SECONDARY AGENT
Agent's Name STEVEN L HARRELL	Agent's Name ROBERT TAYLOR
Organization TOWN OF AYDEN	Organization TOWN OF AYDEN
Official Position TOWN MANAGER	Official Position FINANCE DIRECTOR
Mailing Address PO BOX 219	Mailing Address PO BOX 219
City, State, Zip AYDEN, NC 28513	City, State, Zip AYDEN, NC 28513
Daytime Telephone (252) 481-5819	Daytime Telephone (252) 481-5820
Facsimile Number (252) 746-7001	Facsimile Number (252) 746-7001
Pager or Cellular Number	Pager or Cellular Number
<p>BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 14th day of January, 2019.</p>	
GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title STEPHEN W TRIPP, MAYOR	Name SARAH W. RADCLIFF
Name and Title	Official Position TOWN CLERK
Name and Title 1/14/2019	Daytime Telephone (252) 481-5826
<p style="text-align: center;">CERTIFICATION</p> <p>I, SARAH W. RADCLIFF, (Name) duly appointed and (Title) TOWN CLERK of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of TOWN OF AYDEN (Organization) on the 14th day of JANUARY, 2019.</p> <p>Date: 1/14/2019</p> <p style="text-align: center;">SEAL 1891 Signature: Sarah W Radcliff</p> <p style="text-align: center;">TOWN OF AYDEN AYDEN, NC AYDEN COUNTY, NC</p>	

Motion to approve the resolution.

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

VI. INFORMATION

A. Staff Departmental Reports

Manager Harrell stated there would be a meeting regarding the formation of a public-private nonprofit economic development organization to unite economic development efforts in Pitt County on March 6th and the Town was invited to participate. He reminded the board of the CIP Workshop on February 25th.

VII. BOARD MEMBER COMMENTS

The Board thanked everyone for attending and staff for their hard work.

VIII. 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 negotiating (i) the price and other materials terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Motion to enter into closed session at 8:51pm.

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

Motion to enter back into open session at 8:59pm.

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

IX. ADJOURNMENT

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 8:59pm.

CERTIFICATION

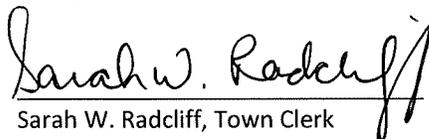
Minutes from the February 11, 2019, meeting were adopted and certified this 11th day of March 2019 in Ayden, North Carolina.

AYDEN, NORTH CAROLINA



Stephen W. Tripp, Mayor

ATTEST:


Sarah W. Radcliff, Town Clerk

