



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

December 9, 2019 - 7:00 PM
Community Building - 548 Second Street - Ayden, NC

I. CALL TO ORDER

A. Call to order

Mayor Tripp called the meeting to order at 7pm.

B. Roll Call

Present:

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

Absent:

None

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 amended to add Sale of Undercover Vehicle under Action Items as item A.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

II. PUBLIC COMMENTS

Wayne Harris, 172 Hwy 102, Ayden, addressed the Board. Mr. Harris stated he was a lifelong citizen of Ayden. He stated his property joins the property of the new nightclub in Ayden. He said the nightclub usually starts at 11pm and runs until around 2:30am. He stated he has contacted Ayden PD numerous times about excessive noise coming from the nightclub. He said 4 tickets have been written for excessive noise levels. He feels the 60 decibel threshold in the proposed noise ordinance is too high. He said at over 50 decibels it is impossible for him to sleep. Mr. Harris stated the Pitt County Noise ordinance is set at 50 decibels and requested the Town's be the same.

Nicky Rapoza, owner of Legacy Lounge, addressed the Board. He stated Mr. Harris has called the PD every night since they have been open with complaints. He said they have insulated the walls and changed out the sound system to try to appease Mr. Harris, to no avail. Mr. Rapoza said he has measured the sound with his own decibel meter and not reached anywhere near what Mr. Harris is reporting. He stated he and his partner went to Mr. Harris's home and could faintly hear a little bass. Mr. Rapoza said he gave Mr. Harris his phone number but he will not call him. Mr. Rapoza said they just want to be treated fairly.

Glen Edwards, partner to Mr. Rapoza, stated they are only open 9 hours each week, from 10pm-2:30am, Friday and Saturday nights. He said they have done everything they could to fix the issue but Mr. Harris cannot be satisfied. He said he felt it was personal. He said he didn't want to be a nuisance, but didn't feel Mr. Harris's complaints were justified.

William Gooding addressed the Board. He is the owner of the building where Legacy Lounge is located. He stated his property is 300 yards from Mr. Harris's property and it costs him \$1,000 to sit there vacant. He stated Mr. Harris doesn't live in the town limits and doesn't contribute to the Town of Ayden. Mr. Gooding said they have been the best tenants he has ever had.

Shawn Brewington, manager of Legacy Lounge, addressed the board. He stated they have made a lot of modifications to try to fix the sound issues. He said they have done everything that has been asked of them. He said he feels his hands are tied and the complaints will not stop no matter what they do.

Mayor Tripp asked for a motion to move Action Item A as the next item on the agenda.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

III. PRESENTATIONS

A. Board Swearing-In Ceremony, Board Comments and Reception (15 minutes)

Town Clerk Sarah Radcliff swore in the newly elected Commissioners, Ivory Mewborn and Cynthia Goff and the newly elected Mayor, Stephen Tripp. Each of the newly elected officers took the oath of office. At this time, the Board recessed at 7:52 for a brief reception honoring the newly elected board members.

The board reconvened at 8:13pm.

1. Appointment of Mayor Pro-tem

Item Explanation

A Mayor Pro Tem shall be elected by the Board of Commissioners from among its members, and shall hold office during the term for which he has been elected to the Board of Commissioners.

Staff Comments

None

Action Requested

Elect a Mayor Pro-tem to serve until the end of their term of office.

Commissioner Langley made a motion to nominate Ivory Mewborn for Mayor Pro-tem. Motion was seconded by Commissioner Davis with a unanimous vote to approve.

2. Appointment of Commissioners to Town Advisory Boards

Item Explanation

Each year the Town Board selects a commissioner to serve as a liaison to each of the Town's Advisory Boards.

Staff Comments

The following Town Advisory Boards need a commissioner assigned as a liaison for the upcoming year:

Library Board - currently Mayor Pro-tem Mewborn

Planning Board - currently Commissioner Langley

Arts & Recreation Board - Currently Commissioner Davis

Fire Department Relief Board - currently Commissioner Ross

Fire Department Advisory Board - currently Mayor Tripp

Ayden Housing Authority Resident's Advisory Board (established in 2018) - Commissioner Langley

Action Requested

Appoint a commissioner to each of the above advisory boards.

Mayor Tripp made the following liaison appointments for the upcoming year:

Library Board - Ivory Mewborn

Planning Board - Cindy Goff

Arts & Recreation Board - Johnny Davis

Fire Department Relief Board - Phyllis Ross

Fire Department Advisory Board - Steve Tripp

Ayden Housing Authority Resident's Advisory Board - Raymond Langley

B. Presentation of Ayden Housing Authority FY18-19 Annual Audit

Item Explanation

Presentation of Ayden Housing Authority FY18-19 Annual Audit.

Staff Comments

Copy of audit enclosed.

Action Requested

By motion, accept audit.

Nichole Maye-Brown and Brent Umphlett presented to the board.

Motion to accept the audit.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

IV. CONSENT AGENDA

- A. Resolution Authorizing Town Manager to Execute Agreements with ElectriCities and Nexgrid for AMI System Installation

Item Explanation

Enclosed the Town Board will find agreements with ElectriCities and Nexgrid for the installation and ongoing services support of the Town's AMI system.

Staff Comments

The agreement with ElectriCities is for it to provide the hosting service and project management assistance for the Town of Ayden for the Nexgrid AMI system. Hosting service means the provision of an environment that will enable the Town of Ayden to securely access and use its Nexgrid system. The hosting services may include system administration, data storage, database management, data archival, operating system installation, hardware installation, server management, required third party software and technical troubleshooting, backups and offsite disaster recovery. Total monthly hosting fee is \$1,082. The agreement is for an initial term of three (3) years, renewable automatically for successive one (1) year periods - unless one party terminates with 90 day notice prior to the end of the current term. Project management assistance is to provide the Town assistance during the term of the actual installation of the AMI system at cost of \$110 per hour - includes travel costs.

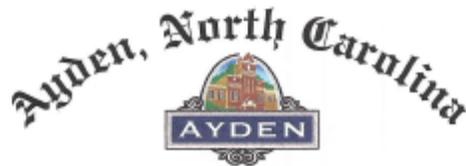
The agreement with Nexgrid for installation of the electric AMI phase includes a Scope of Work Agreement and Final

System Cost Order. The final cost is \$901,503.40; the original quote was \$912,540.69. The Professional Services Support Agreement with Nexgrid is for the ongoing support of the installed devices at an annual subscription cost of 2.25 per device (minimum \$5,000).

A resolution authorizing the Town Manager to execute these agreements is included in your packet and recommended for adoption.

Action Requested

By motion, adopt resolution authorizing the Town Manager to execute agreements with Electricities and Nexgrid.



RESOLUTION NO. 19-20-09
AUTHORIZING THE TOWN MANAGER TO EXECUTE
AMI AGREEMENTS WITH ELECTRICITIES AND NEXGRID

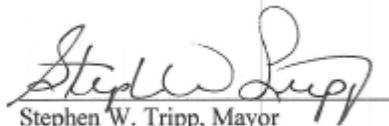
WHEREAS, the Town of Ayden wishes to install and operate an Advanced Meter Infrastructure (AMI) system; and

WHEREAS, to do so, it is necessary to execute an agreement with Electricities, Inc., for Hosting Services at \$1,082 monthly, and Project Management Assistance at \$110 per hour; and with Nexgrid, for a Scope of Work agreement and a Final Cost of System agreement for \$901,503.40 and a Professional Support and Services Agreement for an annual subscription cost of \$2.25 per device(\$5,000 minimum):

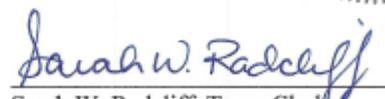
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Ayden, North Carolina, that the Town Manager be authorized to sign the aforementioned agreements with Electricities, Inc., and Nexgrid, respectively.

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




Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:


Sarah W. Radcliff, Town Clerk

Motion to approve the consent agenda.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

V. ACTION ITEMS

A. Amendment to Ayden Noise Control Ordinance

Item Explanation

Currently the Ayden Noise Control Ordinance does not have decibel level standards (see enclosed ordinance).

Staff Comments

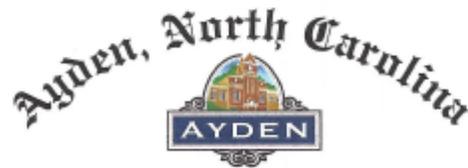
Enclosed is the proposed amendment to the Noise Control Ordinance establishing decibel level standards for residential; public space, commercial or business; and manufacturing, industrial or agricultural uses. The addition of decibel levels adds objectivity to the Noise Control Ordinance in the determination of a loud and disturbing noise. Additionally, the civil penalty for a violation has been increased for subsequent violations within the 30 day period following the initial violation; i.e., \$50 for first, \$100 for second and \$150 for third.

Action Requested

By motion, adopt amendment to Noise Control Code.

Mayor Tripp asked where the decibel level is measured. Manager Harrell stated at the property line of the business. Mayor Pro-tem Mewborn asked about the citations that have already been issued. Manager Harrell stated there were issued on the current ordinance that does not have decibel levels, He said those citations were issued based on nuisance. Mayor Pro-tem Mewborn asked the club operators what decibel level they were comfortable with. Mr. Rapoza stated he was comfortable with what the county uses. Mayor Tripp stated they both want to be good neighbors. He said any citizen that lives in the ETJ, contributes to the economy of Ayden, regardless if they pay property taxes to the town. He stated the town is responsible for the ETJ. Mayor Tripp said we need to do a decibel meter reading on a calibrated meter. He recommended making the maximum level 60 decibels and do some trend data collection and then come back to the board to review it. He recommended not issuing any citations during the first month while they are collecting data.

Mayor Pro-tem Mewborn stated he agreed with the mayor however he did not want the club owners/operators to be harassed. He wanted everyone to be treated fairly.



ORDINANCE NO. 19-20-11
AMENDMENT TO CHAPTER 98: NOISE CONTROL
OF THE CODE OF ORDINANCES OF THE TOWN OF AYDEN

WHEREAS, it is desirable to add decibel standards to the Town of Ayden Noise Control Code to better ensure objectivity in the enforcement of the prevention of loud and disturbing noise; and

WHEREAS, it is also desirable to increase the amount of civil penalty for the offense;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Ayden, North Carolina that Chapter 98: Noise Control of the Code of Ordinances of the Town of Ayden be amended to add the following section:

98.015 Standards.

(a) Standards, instrumentation, personnel, measurement procedures, and reporting procedures to be used in the measurement of sound shall be as specified in this section.

(b) Sound level measurement shall be made with a sound level meter using the A-weighting scale, set on "slow" response.

(c) Sound level meters shall be at least Type II meeting American National Standard Institute (ANSI) SI 4-1971 requirements. Persons using the sound level meters shall be trained in sound level measurement and the operation of sound level measurement equipment.

Sec. 12-5-4. Maximum permitted sound levels by use occupancy.

(a) The use of sound amplifying equipment is limited to the conditions specified in this section.

(b) No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which at its peak exceeds the limits set forth for the use occupancy categories in Table I when measured at or beyond the property line of the property from which the sound originates. For purposes of measurement, the back of the curb, the outside edges of driveways, fences, hedges, or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line. In all cases the maximum sound level permitted by use occupancy shall be determined on the basis of the use occupancy of the property from which the sound originates and not by the use occupancy of any surrounding property. Sound which originates from a dwelling unit in a duplex or other multifamily housing unit shall be measured from any point which is at least twenty-five (25) lineal

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feet, whether inside or outside a building, from the nearest point of the enclosed or habitable space of the dwelling unit from which the sound originates.

Table 1 Sound Levels by Use Occupancy

Use Occupancy Category	Time	Sound Level Limit (dB(A))
Residential	7:00 a.m. -- 11:00 p.m.	60
	11:00 p.m. -- 7:00 a.m.	55
Public space, commercial or business	7:00 a.m. -- 11 p.m.	65
	11:00 p.m. -- 7:00 a.m.	60
Manufacturing, industrial or agricultural	At all times	75

And amended to replace paragraph (A) of Section 98.05 Enforcement and Penalties to read as follows:

(A) A police officer may issue a citation subjecting the offender to a civil penalty in the amount of one hundred dollars (\$50.00). In the event there is more than one (1) violation within any thirty-day period, then the civil penalty shall be increased for each additional violation over one (1) during such period, as follows. The date of the first violation shall establish the beginning date for the initial thirty-day period. The next violation within that thirty-day period shall be considered the second violation. Any violations that follow within that thirty-day period shall be numbered sequentially. The penalty shall be:

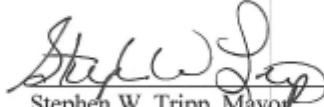
Second offense within same thirty-day period \$ 100.00
 Third and subsequent offenses within same thirty-day period . . \$ 150.00

Once the thirty-day period has run from the "first violation," the next violation shall be considered to be a first violation for the purposes of establishing a new thirty-day period. Each subsequent violation that follows more than thirty (30) days from the previous first violation shall be a new first violation for the purpose of establishing a new thirty-day period. Failure to pay a given citation within 20 days of issuance may be recovered by the town in a civil action.

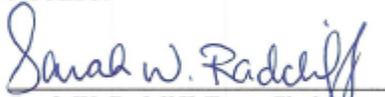
OFFENSES AND PUBLIC NUISANCES

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




Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:


Sarah W. Radcliff, Town Clerk

Motion to adopt the ordinance as written with no citations written during the first month with documented decibel readings once a week.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

B. Sell of Ayden Police Department Unmarked Undercover Vehicle

Item Explanation

The APD has in its possession a 2007 Chevrolet Uplander Van acquired through the NC Law Enforcement Support Office (LESO) that has been used for undercover operations. The vehicle is in such condition that it needs to be disposed of. Equipment acquired by a local Law Enforcement Agency through LESO requires that any proceeds from such sale can only go back to the local Law Enforcement Agency's budget - no such monies can go back into the respective local government's General Fund. See attached memorandum from the NC Department of Public Safety as to this requirement.

Staff Comments

Disposal of town vehicles requires approval first by the Town Board.

Action Requested

By motion, approve sale of APD 2007 Chevrolet Undercover Vehicle.

Chief Stanley presented to the Board. He stated the van has served its purpose and is no longer operable. Commissioner Langley asked how much they were looking to get for it. Chief Stanley said it would likely be put on GovDeals. Commissioner Langley asked if he would come back to the Board later to get a replacement vehicle. Chief Stanley said if he could acquire one for free he would.
Motion to approve the sale of the 2007 Chevrolet Uplander.

Motion: Commissioner Goff

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

C. Amendment to the Vacant Commercial Building Code

Item Explanation

At the Town Board's November 12, 2019 meeting, it asked staff to bring back the amended Vacant Commercial Building Code in a form to adopt with the alternatives for its amendment as discussed that evening.

Staff Comments

Enclosed are both the amended code in a form that can be adopted and the code with the delineated alternatives presented November 12, 2019. The amended code for adoption maintains these alternatives.

Action Requested

Consideration, by motion, of adopting amendment to the Vacant Commercial Building Code

Manager Harrell stated the proposed registration fee is \$50 to help cover administrative costs. He said they are exempt from the fee if they are actively trying to sell their property or renovating the building.

Commissioner Langley stated he would like information on our current vacant building. Commissioner Ross said she felt there should be no registration fee.



ORDINANCE NO. 19-20-10
AMENDMENT TO VACANT COMMERCIAL BUILDING CODE

WHEREAS, the Board of Commissioners desires to amend the Town's Vacant Commercial Building Code;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Ayden, North Carolina that the Town's Vacant Commercial Building Code be amended to be read as follows:

§156.5.1 VACANT PROPERTY MAINTENANCE.

(A) Intent and Scope. The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Chapter. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

(B) Maintenance Requirements.

Properties subject to this Section shall be kept in compliance with the following maintenance requirements:

(1) Storage of Materials and Containers. No materials of any type, or storage containers, shall be kept or stored on the interior of any premises unless the storage of such materials or containers otherwise complies with all applicable laws and regulations.

(2) Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Masonry shall be repointed, as necessary, to prevent bricks or members from falling or coming out. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering, cladding or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. All siding and masonry joints, as well as those between the building or structure envelope, and the perimeter of windows, doors and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all

surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(3) Premises' Identification. All primary buildings shall have approved address numbers placed in a position, and of such size, to be plainly legible and visible from the street or road fronting the property. Address numbers shall be Arabic numbers or alphabet letters. The numbers used shall be made of durable and visible material, which contrasts with the background material upon which it is placed.

(4) Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(5) Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be in such condition as to prevent the entry of rodents and other pests.

(6) Exterior walls. All exterior walls shall be free from holes, breaks and loose or rotting materials and maintained weatherproof and properly surface coated where required to prevent deterioration.

(7) Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof shall not contain more than (2) roof coverings. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

(8) Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(9) Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, including all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(10) Chimneys, flues, vents. There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling or in such condition or location as to constitute a fire hazard. All chimneys, flues and vent attachments thereto shall be maintained structurally sound. Chimneys, flues, gas vents or other draft-producing equipment which are in use shall provide sufficient draft to develop the rated output of the connected equipment and shall be structurally safe, durable, smoke-tight and capable of withstanding the action of flue gases.

(11) Handrails and guards. All exterior porches, landings, balconies, stairs and fire escapes, and the like, shall be provided with banisters, railings or guards, which are properly designed, firmly fastened, capable of supporting normally imposed loads and maintained in good condition to minimize the hazard of falling and the same shall be kept structurally sound, in good repair and free of defects.

(12) Window, skylight and doors. Every window, skylight, door and frames thereof, shall be in sound condition, good repair and weather tight. There shall be no cracks, holes or open spaces around window and door frames. All glazing materials shall be maintained free from cracks and holes. Windows and doors shall be maintained free from broken or missing glass. Broken or missing glass may not be replaced with material other than glass. Every window, other than a fixed window, shall be easily

operable and capable of being held in position by window hardware. Voids within exterior walls which are created for the purpose of, or once contained a window or door, shall not remain without a window or door. Exterior windows, exterior spaces missing or partially missing windows, exterior doors and exterior spaces missing or partially missing doors in buildings, whether vacant or occupied, shall not be covered with masonry or other similar material and shall be filled with a window or door. Glazing shall not be painted in opaque paint except for signage meeting the requirements of the zoning ordinance. Windows within the same building shall match in terms of material and general design.

(13) Shutters. As an alternative to a glass window, can be allowed on the second floor of a two-story building/structure and the third floor of a three story building. Additionally, the shutters shall be of a durable material and of a style, material and color as to match the color, material, historical nature and architectural style of the building/structure.

(14) Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units in a building/structure shall tightly secure the door.

(15) Basements. All crawlspace doors, basement doors and hatchways shall be maintained to prevent the entrances to dwellings units shall tightly secure the door.

(16) Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of vermin.

(17) Egress. Every building shall be provided with adequate means of egress as required by the State Building Code. Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Code.

(18) Building security. The property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (including but not limited to walkthrough, sliding and garage), gates pet doors and any other such opening of such size that it may allow a child to access the interior of the property or structure(s). Doors, windows or hatchways for buildings shall be provided with devices designed to provide security for the occupants and property within. Basement hatchways that provide access to buildings shall be equipped with devices that secure the unit from unauthorized entry.

(19) Loose materials. The building and environs surfaces shall be kept clear of: cracked or broken glass; loose shingles; loose wood; crumbling stone or brick; loose, broken, tattered or torn plastic; or other dangerous objects or similar hazardous conditions.

(20) Exterior Surface Maintenance. Exterior surfaces shall be maintained in such material or treated in such a manner as to prevent deterioration.

(21) Rubbish. Buildings and environs shall be kept clear of accumulations of garbage, trash, or rubbish which create health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary way.

(22) Overhanging and Protruding Objects. The building and environs shall be kept free of loose and insufficiently anchored overhanging objects which constitute a danger of falling on persons or property. The building and environs shall be kept free of objects and elements protruding from building walls, roof and environs which are unsafe or not

properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets and other brackets and similar objects.

(23) Holes and Breaks in Walking Surfaces. The environs shall be kept free of insufficiently protected holes, excavations, breaks, projections, obstructions and other such dangerous impediments on and around walks, driveways, parking lots and other areas which are accessible to and generally used by persons on the premises.

(24) Gutters and Downspouts. Gutters and downspouts shall be replaced or repaired as necessary and shall be appropriately located so as not to cause a hazard to pedestrian, vehicular traffic or property.

(25) Drainage. All yards and environs shall be properly graded and maintained so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

(25) Accessory Structures and Appurtenances. Attached and unattached accessory structures and appurtenances shall not cause a nuisance or safety hazard.

(26) Signs. Advertising sign structures attached or freestanding, awnings, marquees and their supporting members and other similar attachments and structures shall not cause a nuisance or safety hazard.

(C) Registration.

(1) Any vacant commercial property located within B-1 and B-2 Business Districts of the Town of Ayden must be registered by the owner with the Town's Planning Department either (a) by the owner's own accord before receiving a Notice of Registration Requirement, or (b) within 30 days of the owner receiving a Notice of Registration Requirement from the Town.

(2) The Town will send a Notice of Registration Requirement to the owner of record of properties that are vacant. The owner shall register property within the time period set forth in paragraph (1) of this section unless the owner can provide clear and convincing evidence to the Planning Department Director, or his designee, within such time period, that the property is not vacant.

(3) The registration shall contain:

- (a) The name of the owner (corporation or individual);
- (b) The direct street/office mailing address of the owner and post office box, if applicable; and
- (c) A direct contact name and phone number.

(4) Any changes in the information in paragraph (3) of this section shall be reported to the Planning Department within 30 days of such changes.

(5) Registration must be renewed annually.

(6) Vacant properties shall remain subject to the annual registration, maintenance, and security requirements of this article as long as they remain vacant.

(7) Once the property is no longer vacant or is sold, the owner must provide written proof of occupancy or sale to the Planning Director.

(8) Registration of a vacant commercial property does not excuse the owner from compliance with any other applicable ordinance, regulation, or statute, without limitations, with regard to the owner's vacant property. By accepting an owner's registration, the Planning Department has not determined that the vacant property being registered is in compliance with an applicable, local or state regulation or law.

(D) Fees. Effective immediately following the adoption of this code, annual registration of \$50 shall be collected upon registration of the vacant property and collected annually on the renewal of the registration. Fees will not be pro-rated.

(E) Exemptions.

(1) A vacant commercial property that is actively listed (including signage affixed to the property) and offered for sale or lease for a period of no more than one calendar year shall be exempt from the annual vacant commercial property registration fee subject to the following condition:

(a) The exemption can be extended for an additional year upon proof of good faith marketing of the property compliant with all applicable town ordinances.

(2) A vacant commercial building that is being renovated under an active building permit for the purpose of preparing it for occupancy shall be exempt from the annual vacant building registration fee subject to the following conditions:

(a) The property owner can demonstrate that the work being performed is pursuant to the acquired permit for the preparation of occupancy, lease or sale; and

(b) Inspections for the work covered under the permit are requested on at least a monthly Basis.

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

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




Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:


Sarah W. Radcliff, Town Clerk

Motion to adopt the amendment to the Vacant Commercial Building Code.

Motion: Commissioner Goff

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

- D. Approval of Proposed Landscaping for NC102 Corridor and Roundabout East of US11 Southwest Connector

Item Explanation

NCDOT and the Town of Ayden entered into a Landscape Maintenance Agreement this year in anticipation of NCDOT installing, at its costs, landscaping along the US102 corridor and the roundabout east of US11 Southwest Connector. In return, the agreement calls for the Town of Ayden to maintain the landscaping moving forward.

This item was originally presented to the Town Board at its November 12, 2019 meeting. Town Board requested staff to ascertain whether or not the NCDOT would warranty its plantings for a period of time to ensure their viability.

Staff Comments

Enclosed the Town Board will find drawings of the proposed landscaping and photos of the proposed plants to be used. Staff recommends approval of the proposed landscaping. Town staff contacted NCDOT and Vann Sparrow, its landscaping representative, although not presenting it in writing, assured that NCDOT would follow up on replacement of as needed after initial plantings.

Action Requested

By motion, approve NCDOT proposed landscaping.

Motion to approve proposed landscaping.

Motion: Commissioner Goff

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

- E. Final Plat - Allen Park Subdivision

Item Explanation

The Town has received a request for approval of a Final Plat submitted Baldwin Design Consultants. The submitted Preliminary Plat depicts 43 lots on 21.635 acres on Ayden Golf Club Rd with an additional 2,216 feet of new public roads. (Pitt County Parcel # 23749).

Staff Comments

The property is located within the Town's City Limits and is currently zoned R-12. Water is available at the site and is provided by Eastern Pines Water Corporation. Sewer and Electric are available at the site and provided by the Town of Ayden. A Homeowners Association (HOA) is required. The HOA will be responsible for maintenance of all dedicated open space in the development.

At the time of submittal, all the required improvements for the development have not been completed. The developer

will be submitting a letter of credit, as prescribed in the ordinance, for 125% of the cost of completion.

Staff has reviewed the submitted Final Plat and has found it to meet all applicable requirements of the Town's Subdivision Regulations with a the few exceptions noted above. As such, staff recommends conditional approval of the Final Plat for Allen Park Subdivision.

At the November 18th Planning Board meeting, the Planning Board voted unanimously to recommend conditional approval for the Final Plat for the Allen Park Subdivision.

Action Requested

Conditional Approval of the Final Plat for Allen Park Subdivision

Motion for conditional approval of the final plat for Allen Park Subdivision.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

F. Street Dedication/Acceptance - Tallow Wood Drive

Item Explanation

A final Plat for the dedication of Tallow Wood Drive as a public way has been submitted.

Staff Comments

Tallow Wood Drive has been completed and is ready to be accepted for inclusion for ownership and maintenance by the Town. Tallow Wood Drive is located just to the east of the Arbors Park neighborhood and intersects with Second Street.

Tallow Wood Drive was created as part of the Arbors Park Multifamily Development. This new street is approximately 228' long and does contain curb and gutter as well as a sidewalk. These improvements were constructed to NCDOT specifications and standards.

Action Requested

Approve the final plat for Tallow Wood Drive and accept the street for ownership and maintenance.

Motion to approve the final plat.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

G. Resolution accepting financing terms for sewer camera

Item Explanation

As part of the annual adopted budget, the Town anticipated borrowing funds to purchase a new sewer camera, related accessories and enclosed trailer. The unit has been acquired within budget limits and request for proposals for financing have been received.

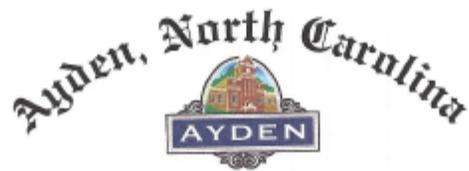
Staff Comments

Finance department issued a rfp for financing from the three local banks. Bids were to be received by the end of the day December 2, 2019. the Town received two bids.

Southern Bank was 3.62% APR and BB&T was 2.72%. Staff recommends accepting bid from BB&T.

Action Requested

Approve resolution accepting bid from BB&T



RESOLUTION NO. 19-20-13
RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The Town of Ayden ("Town") has previously determined to undertake a project for the financing of equipment, (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 Branch Bank and Trust Company ("Branch Bank and Trust Company"), in accordance with the proposal dated December 2, 2019. The amount financed shall not exceed \$89,810.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.72%, and the financing term shall not exceed three (3) 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 9th day of December, 2019.

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

By: Stephen W. Tripp
Stephen W. Tripp, Mayor



Motion to approve resolution accepting the bid from BB&T.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

- H. Adjust Purchase Admin Vehicle Ayden Housing Authority Budget

Item Explanation

AHA originally budgeted \$25,000 to replace Admin car. The quote came in at \$43,252 (see attached).

Staff Comments

AHA currently has one admin vehicle, purchased in 2009. AHA secured a quote from Capital Ford of Raleigh, who has been selected using North Carolina Procurement Policy. AHA request a car to transport staff together as our current vehicle does not allow us to do so. Staff recommendation is to keep the 08 Impala also, as it should be sufficient for local travel.

Action Requested

Approve budget increase of \$18,252 to cover purchase.

Commissioner Langley asked what the purpose of the vehicle would be. Nichole said they have a 2009 vehicle that is located for local travel, but not out of town. She said they needed it for travel to conferences and trainings.

Motion to approve.

Motion: Commissioner Langley

Second: Commissioner Goff

Discussion: Mayor Tripp asked to check with Doug Henry to see if he could match it. Nichole said she had and they would not match it.

Approved: 5-0

Motion passed unanimously.

I. Appointment of a Liaison to the Ayden Chamber Board

Item Explanation

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

Staff Comments

It is recommended that Stephen Smith be reappointed as the liaison for the calendar year 2020.

Action Requested

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

Motion to appoint Stephen Smith as the liaison to the Ayden Chamber of Commerce board.

Motion: Commissioner Langley

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

J. Approval of meeting dates for Fiscal Year 2020-2021 Budget Preparation

Item Explanation

In preparation for Fiscal Year 2020-2021, Finance Director Rob Taylor has prepared the enclosed budget preparation steps. Recommended additional board meeting dates are listed below. All meeting times will be 7pm.

Strategic Planning and Goal Confirmation Workshop - January 27, 2020

CIP Workshop - February 24, 2020

Budget Workshop - April 27, 2020

Budget Workshop - May 4th, 2020

Staff Comments

Board meeting dates not established in the annual board calendar must be voted on and approved by the board.

Action Requested

Recommend approval of additional dates and times for budget preparation.

Motion to approve as submitted.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

VI. INFORMATION

A. Staff Departmental Reports

VII. BOARD MEMBER COMMENTS

The board thanked everyone for coming and staff for their hard work. They wished everyone a Merry Christmas and Happy New Year.

VIII. CLOSED SESSION

- A. Pursuant to G.S. 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Attorney Dixon stated we would enter into closed session pursuant to G.S. 143-318.11 (a) (3) to consult with an attorney employed or retained by the public body to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Motion to enter into closed session at 8:59pm.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to enter back into open session at 9:18pm.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

IX. ADJOURNMENT

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 9:18pm.

CERTIFICATION

Minutes from the December 9, 2019 meeting were adopted and certified this 13th day of January, 2020 in Ayden, North Carolina.

AYDEN, NORTH CAROLINA

Stephen W. Tripp, Mayor

Sarah W. Radcliff, Town Clerk