



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

January 13, 2020 - 7:00 PM
District Courtroom – 2nd Floor of Town Hall – 4144 West Avenue

- I. CALL TO ORDER Mayor Tripp
- A. Call to order
- B. Roll Call Sarah Radcliff

Present:

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

Absent:

Commissioner Phyllis Ross

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

Mayor Tripp stated Item A. under Presentations needed to be removed until February. He stated he would like to move Item B. under Presentations to the Consent Agenda. He stated we would move item A. under Items for Discussion to the February meeting.

Motion to approve the agenda as amended.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Approved: 4-0

Motion passed unanimously.

II. PUBLIC COMMENTS

Wayne Harris, 172 Hwy 102 West , addressed the Board. Mr. Harris spoke about the noise levels from Legacy Lounge. He asked that the decibel levels be set at 50 or below. He stated he was a major contributor to the Town of Ayden. He spoke about the shooting at Legacy Lounge on December 28, 2019.

Marvin "Bear" Baldree, addressed the Board regarding. He spoke about various potholes around town, buzzards on the water tank, and dead trees in Third Street Park. He felt town employees see the potholes and should fix them before the citizens report them. He spoke about the lights on the water tank not being lit up. He stated we need lights at the roundabout. Manager Harrell stated that is in process.

Lisa McLaughlin, Terrace Dr., spoke about neighbors parking cars in their front yard. She said she can see her property value dropping. She said she understands there is no law that says they can't park cars in front yards. She asked if the Town of Ayden would consider adopting an ordinance that would prohibit this.

Reverend Moore, Kennedy Estates, addressed the Board. He stated citizens in Kennedy Estates are concerned about the turnoff coming off Hwy 11. He asked if they would consider putting a turn lane there. He said the ditch out front is an eyesore and needs to be maintained. He asked what the status of the home at 278 Allen Drive is. He said it needs some work done. He also stated some concern with junk cars in the neighborhood.

Shon Bruinton, Legacy Lounge, stated they did have security, people figure out ways around it. He doesn't believe they are keeping Ayden from growing and they aren't the only place having shootings and issues. He stated they have stepped up and ordered new security.

Glenn Edwards, Legacy Lounge, stated regarding the incident at the club, the guy was not a member and it was his first time there. He said the lady he was with had the weapon concealed. Since then, they have gotten new security staff and will have a female on staff each night to check females.

Nicky Rapoza, owner of Legacy Lounge, spoke on the security measures taken by Legacy Lounge and the decibel levels.

Judi Pechtel, addressed the Board. She stated she has not been made aware of any decisions and neither has her mother, regarding the vacant building ordinance. She said her family has been offended by the Board and members of the community. She said nothing has been communicated to them and they didn't know anything about December meeting.

Skip Stang, asked when something would be done on the side lawn of his property. Mayor Tripp said it is a legal issue and we have been advised to wait for the NCLM and our attorney to proceed.

Ricky Hooks, Legacy Lounge employee, spoke on what Legacy Lounge brings to the Town. He said his mother purchased a vehicle from Medlin just from coming to the Toy Drive at Legacy Lounge. He said they are bringing people to Ayden to do business, not just to the club.

III. PRESENTATIONS

B. Recognition of Lisa Koonce for her Restoration of the Collard Festival Mural in our Downtown

Item was moved to the February 10th meeting.

C. Presentation of Town of Ayden FY18-19 Annual Audit

Item Explanation

Presentation of the Town of Ayden FY18-19 Annual Audit by our auditors, Cherry-Bekaert. Audit is in final draft form and being prepared for submittal to LGC.

Staff Comments

Auditor will have final draft of audit available on Friday, Jan. 10th and will be delivered to the Town Board members on that day, so that Board members have audit to review prior to the meeting on the 13th.

Action Requested

By motion, accept audit.

Linda Suggs presented the following.

Audit Results

Town of Ayden

Linda Suggs, CPA
Senior Manager
January 13, 2020

Cherry Bekaert
CPAs & Advisors

Your guide forward

Agenda

- Role of External Auditor
- Audit Results
- Financial Results
- Summary
- Questions and Comments

Cherry Bekaert
CPAs & Advisors

Role of the External Auditor



Audit Results



Financial Results

Property Taxes



✓ Collections exceeded budgeted expectations by \$27,139

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Financial Results

General Fund – Budget to Actual

Revenues over budget by \$94,102

Expenditures under budget by \$197,301

In FY2019, the Town appropriated the use of \$428,644 of fund balance in its final budget. However, the Town only used \$246,167 of total fund balance.

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Financial Results

General Fund – Fund Balance

- Town Policy is to maintain an unassigned fund balance in the General Fund of 10% of General Fund expenditures.

Unassigned Fund Balance
as a % of General Fund
Expenditures as of June 30:

2019: 8.61%

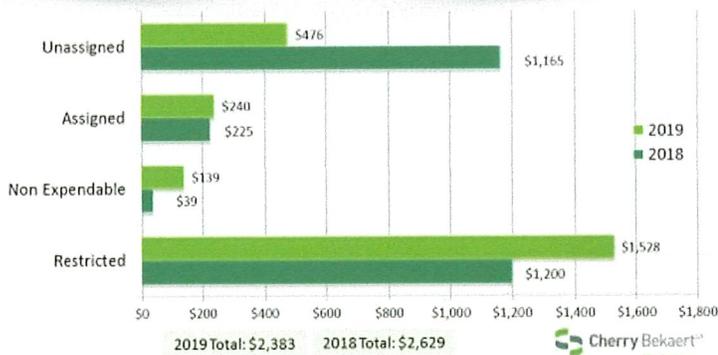
2018: 24.85%

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Financial Results

General Fund- Fund Balance (thousands)

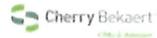
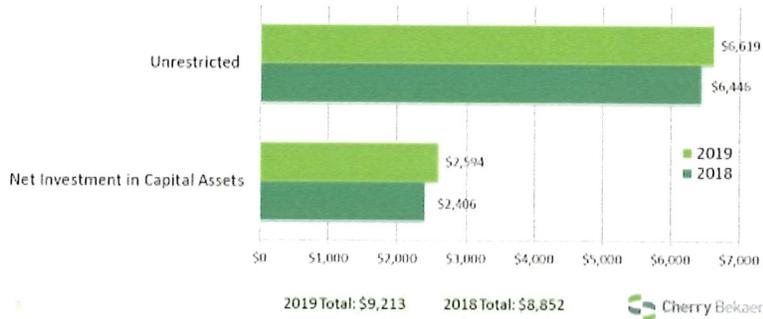


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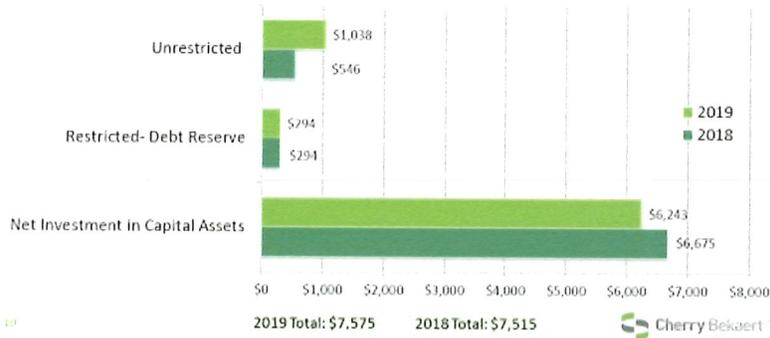
Financial Results

Electric Fund- Net Position (thousands)



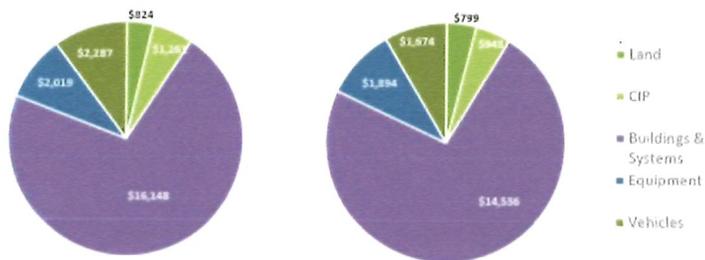
Financial Results

Water and Sewer - Net Position (thousands)



Financial Results

Capital Assets (thousands)



2019 Total: \$22,539

2018 Total: \$19,851



Financial Results

Long Term Debt (thousands)



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Summary



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Questions & Comments?

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 919.782.1040

April Adams, CPA
 Audit Partner
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 919.782.1040



Mayor Tripp stated we are below our 10% goal on fund balance. Mr. Taylor stated we had some prepaids that affected the fund balance, as well some extra expenses. Mayor Tripp stated he would like to see what those prepaids are.

Motion to accept the audit.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 4-0

Motion passed unanimously.

D. Requested Question/Answer Session with NCDOT District Engineer Preston Hunter

Item Explanation

Questions were raised by the Town Board at its December meeting with regard to the safety of the intersections of Old NC11/Lee Street and NC11 and Snow Hill Street and NC11, respectively. Both intersections are North Carolina rights-of-way and the Town Board requested that NCDOT District Engineer Preston Hunter be invited to its January meeting to discuss these intersections' safety concerns.

Staff Comments

Mr. Hunter will be at the meeting for discussion with Town Board on its safety concerns with the respective intersections. No formal presentation by Mr. Hunter is requested of Mr. Hunter, just the discussion of the safety concerns of the Town Board.

Action Requested

No action recommended.

Preston Hunter said they will be putting in a right turn lane off 11 going into Ayden. Mayor Tripp asked about the intersection at Snow Hill Road. Mr. Hunter said they put in a center yellow line prior to the project as well as warning caution lights. He said they will reinstall those if they see a need for that. Mayor Tripp stated the traffic movement is such that they do. Mayor Pro-tem Mewborn said lighting would be helpful there as well. Mr. Hunter said they don't usually do lighting unless it is an interstate. Mayor Pro-tem spoke about the right turn from Hwy 11 into Ayden onto old NC 11. Mr. Hunter stated a turn lane would be put there. Mayor Tripp asked about the time frame. Mr. Hunter said probably late March. He said they would also put one on the other side going into the Industrial Park. Commissioner Goff stated some signage would also be helpful at that turn off. Mayor Pro-tem asked about the roundabout. Mr. Hunter stated the roundabouts are very safe compared to other options. He said it just takes time for folks to get used to them. Mayor Pro-tem stated the turn out of Walgreens or Food Lion is frustrating to people having to go all the way down to the roundabout and turn around. Mr. Hunter said it was a safety measure. Mayor Tripp stated his understanding is that the design was made for future growth. Mr. Hunter said that was correct. Commissioner Langley asked if it was initially a stop sign at 102 coming into Ayden at the roundabout. Mr. Hunter said it was. Commissioner Langley asked why it was now a yield sign. Mr. Hunter said it was done initially for awareness but for a roundabout, yield is the standard. Mayor Pro-tem asked about Lee Street going out of Ayden and the speed limit being lowered. Mr. Hunter said Mr. Harrell sent a request in and it has been agreed to reduce it down to a 45mph zone.

IV. PUBLIC HEARING

A. Conditional Use Permit - Quasi-Judicial Hearing

Mrs. Radcliff swore in Stephen Smith and Dean McLawhorn.

Item Explanation

The applicant is requesting a conditional use permit to operate an Automobile Repair Facility (Major) in the B2 zoning district.

Zoning District: B-2 (Highway Commercial District). The primary purpose of this district is to accommodate those

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

The property (Parcel #s 72945 & 31517) is located at 4042 Lee Street (See map) and is owned by Jerry Huggins. The Conditional Use process allows the town to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district. A conditional use permit can also provide flexibility within a zoning ordinance to enable the town to control certain uses, which could have detrimental effects on the community.

The following items are required for the operation of an Automobile Repair Facility (Major):

All wrecked or damaged motor vehicles awaiting repair shall be stored at the rear or side of the principal structure and shall be screened so as not to be visible from adjoining property lines and street rights-of-way. Acceptable screening shall include a fence in accordance with Section 11-4, Note 2 (c), or existing vegetation on the property that provides a complete visual barrier to a height of at least six-feet.

Acceptable fence materials include cedar, masonry, redwood, composite, plastic, treated lumber resistant to rot, or other materials specifically designed for fencing materials. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section.

No vehicle shall be stored on the premises for more than twenty (20) days.

There shall be no exterior storage of items other than vehicles.

All services shall be performed within a completely enclosed building.

All customers must park on improved surfaces. This facility shares parking with another business at this location.

Staff Comments

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

At their December 16th, 2019 meeting, the Planning Board recommended approval of the Conditional Use Permit.

The Board found 7 of 7 required findings to be met.

Action Requested

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

Mayor Tripp opened the quasi-judicial hearing. Clayton Dean McLawhorn addressed the Board. He stated he has been in business in Ayden for over 20 years with no problems. He said the pricing for a solid fence is outrageous. He said people complain about cars sitting in people's yards and they have to have somewhere to put them. He stated he runs a wrecker business and wants to keep the chain link fence and put some slats in there. He said he would make it look neat. he said a solid fence allows them to steal things from behind it. he thinks he should be treated like everyone else. he doesn't want to cause trouble but shouldn't have to pay the expense to put a solid fence up when it isn't like that all around town. He just wants to be treated fair. Mayor Tripp closed the hearing. Manager Harrell stated the ordinance does not allow for a fence with slats. He said the only way it could be done is to amend the zoning ordinance, with two more public hearings, going before Planning Board and this Board for approval. They would have to put the issue on hold to do that. Commissioner Langley said there were other properties that were violating our ordinance. He said if we enforce that ordinance it wouldn't look like a junk yard. He thinks the slats would be sufficient and we need to be

business friendly. He said if its presentable with the slats we need to do it. Commissioner Davis agreed. Mayor Pro-tem Mewborn agreed, he said he has always said we need to feed everyone out of the same pot. He said we need to bring everyone up to the same standard. Commissioner Goff asked when the ordinance was put into place what was the thinking behind it. Mr. Smith said back in 2004 when the zoning ordinance was adopted, there was no requirement. He stated in 2006 they amended it to allow chain link fences with slats. In 2010 they changed it to solid fencing. He did not know why it was changed. Mayor Tripp stated we have the ordinance adopted for a reason. He said this is a process, not saying anyone is right or wrong. He agreed that the slats are just as aesthetic as the full fence. He said we can go back through the process to change the ordinance to allow the slats. Commissioner Goff asked how it would affect the timeline for Mr. McLawhorn to do business. Manager Harrell asked if there is anything that prevents him from operating. Mr. Dixon said no, but we would have to approve the CUP. We can approve the CUP, then proceed with amending the ordinance. Mayor Tripp stated the risk would be if the board didn't approve the amendment. Mr. McLawhorn stated when the lawn mower business was there they didn't have to put in a solid fence. Mr. Smith asked if the board could put conditions such as a time frame for installation. Mr. Dixon said he wasn't sure. He said we need to table it until we get clarification. Manager Harrell said we will make it as tight as possible.

Motion to table this item until we can get clarification and direct staff to prepare a text amendment and present it to the Planning Board and Governing Board as soon as possible.

Motion: Commissioner Goff

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

B. Zoning Map Amendment - Public Hearing

Item Explanation

The applicant, submitted by Group IV Developers, LLC, is requesting a zoning map amendment to change the zoning from R-8 Residential) to MF (Multifamily) for 15 acres of the property at the corner of Second Street and Juanita Drive. This request consists of parcel # 15252. (See Attached Map).

Zoning District: R-8 (Residential) – The primary purpose of this district is to provide for single family development on lots with a minimum size of 8,000 square feet in neighborhoods which receive all of the customary urban services.

Zoning District: MF (Multifamily) – The primary purpose of this district is to allow primarily single-family and multi-family residences at a medium-density in areas served by adequate public water and sewer systems.

Future Land Use Map Designation: Mixed Residential – These areas contain a mix of housing types on small lots in walkable neighborhoods with a density of 3 to 8 dwelling units per acre and are intended to accommodate a variety of age groups and lifestyle preferences. Patio homes, small lot cottage homes, townhomes, and small-scale garden apartments may be featured within this district. These areas should include small blocks, a defined center oriented around civic uses or greenspace, and vehicular and pedestrian connections to surrounding development.

In 2005, the property was zoned from R-10 to R-8. This property was previously included in the development plans for the Arbors Subdivision but to date has not been developed.

The property is surrounded by R-10 zoning to the south, east and west, MF zoning to the south, north and east and R-8 zoning to the north. (See Attached Map)

Staff Comments

Staff recommends approval of the Rezoning from R-8 (Residential) to MF (Multifamily). The future land use map designates this property as Mixed Residential which is intended to contain a mix of housing types on small lots in walkable neighborhoods with a density of 3 to 8 dwelling units per acre and are intended to accommodate a variety of age groups and lifestyle preferences. Patio homes, small lot cottage homes, townhomes, and small-scale garden apartments may be featured within this district. These areas should include small blocks, a defined center oriented around civic uses or greenspace, and vehicular and pedestrian connections to surrounding development and the MF zoning district does permit single and multi-family residential uses at medium densities.

At its December 16th, 2019 meeting, the Planning Board voted unanimously to recommend approval of the rezoning from R-8 (Residential) to MF (Multi-family)

Action Requested

Conduct a Public Hearing.

By motion, approve or deny the enclosed Zoning Map Amendment Ordinance No. 19-20-12. As a part of the motion, one of the following consistency statements must be read per state statute:

Based on the information provided at the public hearing and in the staff report, and the policies of the Town Comprehensive Plan, the Board finds that the request is not consistent with the aforementioned plan, but the request is reasonable and in the public interest and I move to approve Zoning Map Amendment Ordinance No. 19-20-12.

- OR -

Based on the information provided at the public hearing and in the staff report, and the policies of the Town Comprehensive Plan, the Board finds that the request is not consistent with the aforementioned plan and is not reasonable and in the public interest and I move to deny Zoning Map Amendment Ordinance No. 19-20-12.

Manager Harrell said legally we cannot ask them what they are putting on the property.

Mayor Tripp opened the public hearing. Kathy Robinson addressed the Board. She said she wanted family homes, not apartments. She is against the request. Jimmy Robinson said he wasn't notified of the meeting. Mr. Smith said they used the information from the tax maps. Mr. Robinson's property is not adjacent to the property, so we are not required to notify him. Mr. Robinson said multi-family is not permitted. Mr. Smith said the reference he is making for the upper floors in B1 and B2. He is against the request. Mark McCluskey, Group IV Developers, spoke on behalf of his request.

Commissioner Langley said he is surrounded by multi-family in abundance and asked if he should recuse himself. Mr. Dixon stated he did not need to do that. Mayor Tripp said he should vote.

Based on the information provided at the public hearing and in the staff report, and the policies of the Town Comprehensive Plan, the Board finds that the request is not consistent with the aforementioned plan and is not reasonable and in the public interest and I move to deny Zoning Map Amendment Ordinance No. 19-20-12.

Motion: Commissioner Langley

Second: Commissioner Goff

Discussion: Mayor Tripp stated he felt we needed to be diverse and be inclusive and he felt we needed this. Goff said she wasn't opposed to multi-family or patio homes, but we already have a lot of that in the area. Langley agreed but said it doesn't all belong in the same area.

Approved: 3-1 (Commissioner Davis voted no)

Motion passed.

C. Preliminary Subdivision Plat - Public Hearing

Item Explanation

The Town has received a request for approval of a Preliminary Plat submitted Stroud Engineering. The submitted Preliminary Plat depicts 26 lots on 31.46 acres on Pleasant Plain Rd with an additional 2400 feet of new public roads. (Pitt County Parcel # 22589).

Staff Comments

The property is located within the Town's ETJ and is currently zoned RA-20 (Residential/Agricultural). Water is available at the site and is provided by Bell Arthur Water Corporation. Electric service is provided by the Town of Ayden. The property will be served by individual septic tanks. A soil scientist has reviewed the site and found the soils for 24 lots to be suitable. Each lot will be evaluated and permitted by Pitt County Environmental Health. A total of 23,571 square feet has been set aside as required open space. This is being developed as a Low-Density Subdivision and a Stormwater Permit will be issued accordingly. The proposed public streets will be built to NCDOT standards and will be approved by NCDOT.

A Homeowners Association (HOA) is required and needs to be created prior to final approval. The HOA will be responsible for maintain all dedicated open space in the development. Lots 14 and 15 (Non-buildable) shall be maintained by the owner until such time as the lots are deeds to the HOA for maintenance or sold.

Staff has reviewed the submitted Preliminary Plat and has found it to meet all applicable requirements of the Town's Subdivision Regulations. As such, staff recommends approval of the Preliminary Plat for Allen Park Subdivision.

At its December 16th, 2019 meeting, the Planning Board voted 7-1 to recommend approval of the Preliminary Play for Pleasant Plain Farm.

Action Requested

Conduct Public Hearing. Consider Approval of the Preliminary Plat for Pleasant Plain Farm.

Mayor Tripp opened the public hearing. Tommy Jarrett spoke on behalf of Mr. and Mrs. Pittman, adjoining land owners. He was speaking in opposition to the request. Bill McLawhorn spoke in opposition to the request. Glen Cannon spoke in opposition to the request. Jolly Dail spoke in opposition to the request. Charles McLawhorn spoke in opposition to the request. Richie Brown and Bobby Tripp spoke in favor of the request. Mayor Tripp closed the public hearing.

Motion to table the request until the February 10th meeting to give staff time to look at the road and the soil conditions.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 4-0

Motion passed unanimously.

D. Unified Development Ordinance Update/Adoption - Public Hearing

Item Explanation

At this month's meeting, staff along with our consultant, Stewart, Inc., will be making a presentation on the new unified development ordinance and holding a public hearing to take public comment.

Staff Comments

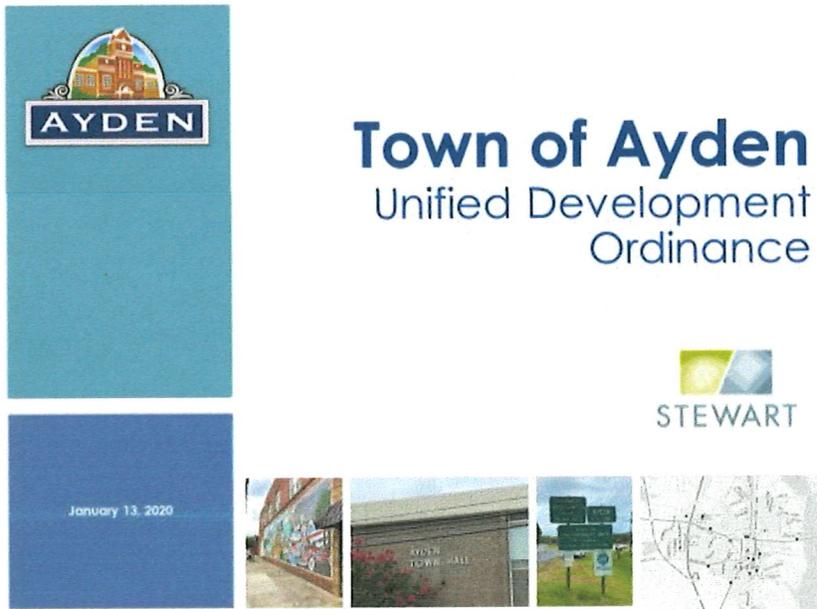
Over the past 13 months, staff along with Stewart, Inc have been working on an update to our land development regulations. The Planning Board also provided comments on each section as they were completed. We have incorporated all these regulations into one Unified Development Ordinance. A copy of the ordinance is available on the Planning Department Website.

At their December 16th, 2019 meeting, the Planning Board voted unanimously to adopted the Unified Development Ordinance.

Action Requested

Conduct Public Hearing. Adopted the Unified Development Ordinance

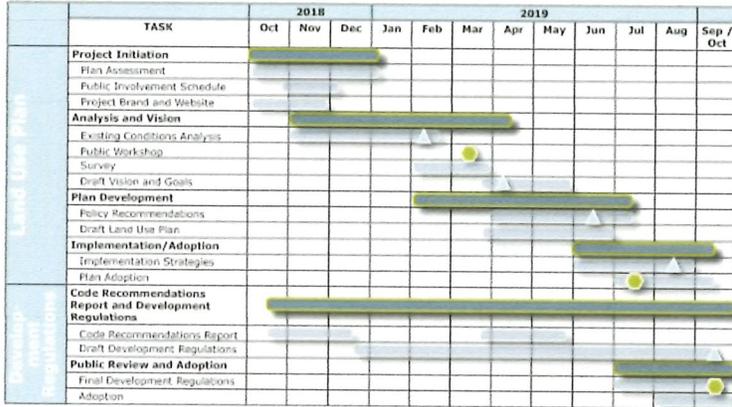
A representative from Stewart, Inc. presented the following.



- Process
- Assessment of Existing Codes
- What is a UDO
- Highlights & Key Changes
- UDO Structure
- New processes
- Questions/Comments

Schedule

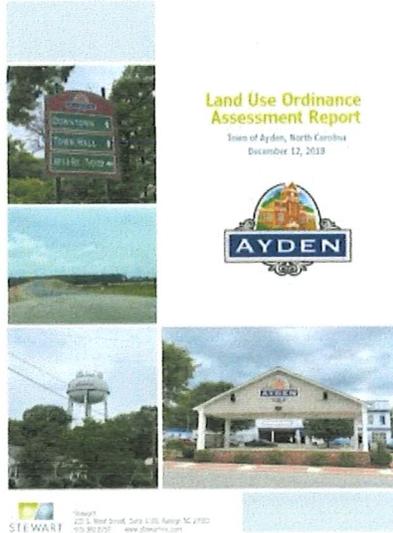
We anticipate the following schedule for development and adoption of the Ayden Land Use Plan and Development Regulations Update:



- Task
- Steering Committee
- Subtask
- Public Meeting or Hearing

Existing Land Development Codes

- Separate Ordinances
- Need to reflect goals from new land use plan
- Need for clearer development processes
- Outdated terms & definitions
- Need of graphics/illustrations
- General Statute Consistency
- Lack of user-friendliness



What is a UDO?

- Permitted under N.C.G.S. 160A-381(a):
"For the purpose of promoting health, safety, morals, or the general welfare of the community, any town may adopt zoning and development regulation ordinances. These ordinances may be adopted as part of a unified development ordinance or as a separate ordinance."
- Integration of development related ordinances
- Reduces inconsistencies and redundancies
- Implementation of goals and recommendations of land use plan

Land Use Plan Implementation

LU-3: Accommodate residential growth while protecting agricultural operations and other natural resources.

LU-4: Ensure that the community's appearance is attractive for residents and visitors.

LU-5: Preserve and enhance the Town's history and heritage.

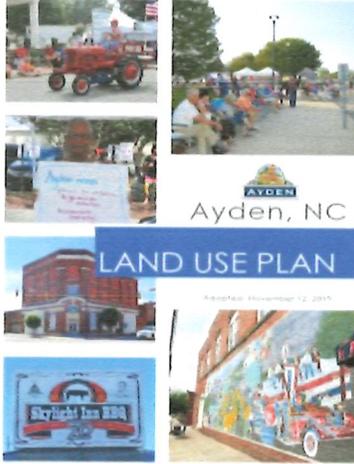
LU-6: Create a downtown public realm that encourages people to visit, explore, and enjoy the downtown experience.

HN-2: Encourage and facilitate infill development where houses have been removed in established neighborhoods.

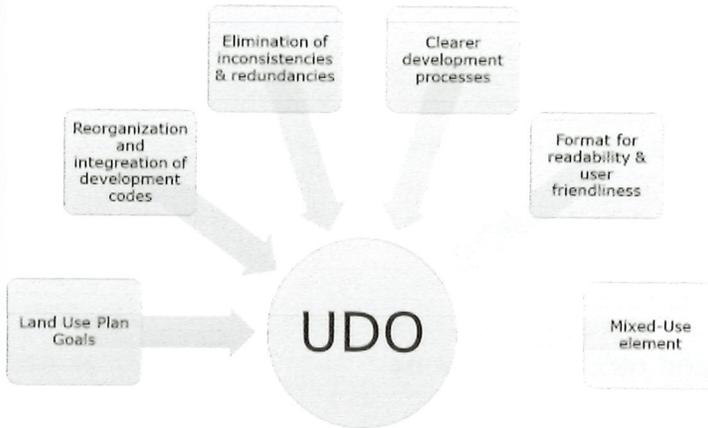
HN-4: Ensure a variety of housing opportunities and choices for all ages and income levels.

PNR-1: Balance development with the preservation of natural resources.

TI-3: Maintain and create a connected local street system.



Your New UDO



Clearer Development Processes

Permits and Processes Table:

Development/Permit Process	Process Type	Review/Recommendation	Final Action	Appeal Process	Public Notice Level
Appeal of Administrative Decision	Quasi-Judicial	Administrator	Board of Adjustment	Superior Court	1
Certificate of Compliance	Administrative	Administrator	Administrator	BCA	N/A
Conditional Zoning Districts	Legislative	Planning Board	Board of Commissioners	Superior Court	1, 2 & 3
Conditional Use Permit	Quasi-Judicial	Planning Board	Board of Commissioners	Superior Court	1, 2 & 3
Erosion & Sediment Control Permit	Administrative	Administrator/Pit County	See Pit County Soil Erosion & Sedimentation Control Ordinance	See Pit County Soil Erosion & Sedimentation Control Ordinance	N/A
Flood Plat	Administrative	Administrator/TRC	Administrator/TRC	BCA	N/A
Floodplain Development Permit	Administrative	Administrator/Pit County	See Pit County Flood Damage Prevention Ordinance	See Pit County Flood Damage Prevention Ordinance	N/A
Minor Site Plan	Administrative	Administrator/TRC	Administrator/TRC	BCA	N/A
Major Site Plan	Legislative	Administrator/TRC	Planning Board	Board of Commissioners	1, 2 & 3
Major Subdivision Preliminary Plat	Legislative	Administrator/TRC	Planning Board	Board of Commissioners	1, 2 & 3
Minor Subdivision	Administrative	Administrator/TRC	Administrator/TRC	BCA	N/A
Re zoning (Map Amendment)	Legislative	Planning Board	Board of Commissioners	Superior Court	1, 2 & 3
Site Construction Plans	Administrative	Administrator/TRC	Administrator/TRC	BCA	N/A
Stormwater Permit	Administrative	Administrator/TRC	Administrator/TRC	BCA	N/A
Subdivision Construction Plan	Administrative	Administrator/TRC	Administrator/TRC	BCA	N/A
Text Amendment	Legislative	Planning Board	Board of Commissioners	Superior Court	1, 2 & 3
Variance	Quasi-Judicial	Board of Adjustment	Board of Adjustment	Superior Court	1, 2 & 3
Vested Right	Legislative	Planning Board	Board of Commissioners	Superior Court	1
Zoning Compliance Permit	Administrative	Administrator	Administrator	BCA	N/A

New UDO Structure

Administration, Districts & Dimensional Provisions:

- Article I – General Provisions
- Article II – Administration
- Article III – Zoning Districts

Design Standards:

- Article IV – Individual Use Standards
- Article V – General Development Standards
- Article VI – Environmental & Natural Resources
- Article VII – Subdivisions & Infrastructure

Processes & Administrative Procedures:

- Article VIII - Development Processes
- Article IV – Nonconformities
- Article X - Enforcement & Penalties
- Article XI - Definitions

Articles I-III Overview

Article I – General Provisions

- Legal Information
- Repeal of existing ordinances
- Prior

Article II – Administration

- Clear responsibilities
- Recommended reduction in size

Article III – Zoning Districts

- New districts (RR, Mixed-Use)
- Dimension Standards Table for clear user-friendliness

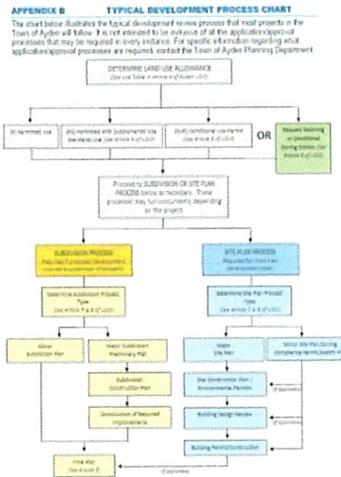
510.070 Dimensional Standards Table

This table and the setback illustration below provides basic design elements for each basic zoning district.

Zoning District	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Maximum Structure Setback	Front Setback	Side Setback	Top Setback	Min. Height
RM	30 ft	40,000 sq ft	100 ft	1 unit/acre	40 ft	20 ft	40 ft	40 ft
RM-1	30 ft	20,000 sq ft	100 ft	2 units/acre	30 ft	12 ft	10 ft	30 ft
RM-2	30 ft	12,000 sq ft	80 ft	3 units/acre	20 ft	10 ft	20 ft	30 ft
RM-3	30 ft	12,000 sq ft	60 ft	4 units/acre	15 ft	8 ft	15 ft	20 ft
RM-4	30 ft	8,000 sq ft	50 ft	5 units/acre	10 ft	8 ft	10 ft	20 ft
RM-5	30 ft	5,000 sq ft	40 ft	6 units/acre	10 ft	8 ft	10 ft	20 ft
RM-6	30 ft	3,000 sq ft	30 ft	11 units/acre	10 ft	8 ft	10 ft	20 ft
RM-7	30 ft	2,000 sq ft	20 ft	15 units/acre	10 ft	8 ft	10 ft	20 ft
RM-8	30 ft	1,000 sq ft	15 ft	20 units/acre	10 ft	8 ft	10 ft	20 ft
RM-9	30 ft	500 sq ft	10 ft	30 units/acre	10 ft	8 ft	10 ft	20 ft
RM-10	30 ft	250 sq ft	5 ft	60 units/acre	10 ft	8 ft	10 ft	20 ft
RM-11	30 ft	125 sq ft	2.5 ft	120 units/acre	10 ft	8 ft	10 ft	20 ft
RM-12	30 ft	62.5 sq ft	1.25 ft	240 units/acre	10 ft	8 ft	10 ft	20 ft
RM-13	30 ft	31.25 sq ft	0.625 ft	480 units/acre	10 ft	8 ft	10 ft	20 ft
RM-14	30 ft	15.625 sq ft	0.3125 ft	960 units/acre	10 ft	8 ft	10 ft	20 ft
RM-15	30 ft	7.8125 sq ft	0.15625 ft	1920 units/acre	10 ft	8 ft	10 ft	20 ft
RM-16	30 ft	3.90625 sq ft	0.078125 ft	3840 units/acre	10 ft	8 ft	10 ft	20 ft
RM-17	30 ft	1.953125 sq ft	0.0390625 ft	7680 units/acre	10 ft	8 ft	10 ft	20 ft
RM-18	30 ft	0.9765625 sq ft	0.01953125 ft	15360 units/acre	10 ft	8 ft	10 ft	20 ft
RM-19	30 ft	0.48828125 sq ft	0.009765625 ft	30720 units/acre	10 ft	8 ft	10 ft	20 ft
RM-20	30 ft	0.244140625 sq ft	0.0048828125 ft	61440 units/acre	10 ft	8 ft	10 ft	20 ft
RM-21	30 ft	0.1220703125 sq ft	0.00244140625 ft	122880 units/acre	10 ft	8 ft	10 ft	20 ft
RM-22	30 ft	0.06103515625 sq ft	0.001220703125 ft	245760 units/acre	10 ft	8 ft	10 ft	20 ft
RM-23	30 ft	0.030517578125 sq ft	0.0006103515625 ft	491520 units/acre	10 ft	8 ft	10 ft	20 ft
RM-24	30 ft	0.0152587890625 sq ft	0.00030517578125 ft	983040 units/acre	10 ft	8 ft	10 ft	20 ft
RM-25	30 ft	0.00762939453125 sq ft	0.000152587890625 ft	1966080 units/acre	10 ft	8 ft	10 ft	20 ft
RM-26	30 ft	0.003814697265625 sq ft	0.0000762939453125 ft	3932160 units/acre	10 ft	8 ft	10 ft	20 ft
RM-27	30 ft	0.0019073486328125 sq ft	0.00003814697265625 ft	7864320 units/acre	10 ft	8 ft	10 ft	20 ft
RM-28	30 ft	0.00095367431640625 sq ft	0.000019073486328125 ft	15728640 units/acre	10 ft	8 ft	10 ft	20 ft
RM-29	30 ft	0.000476837158203125 sq ft	0.0000095367431640625 ft	31457280 units/acre	10 ft	8 ft	10 ft	20 ft
RM-30	30 ft	0.0002384185791015625 sq ft	0.00000476837158203125 ft	62914560 units/acre	10 ft	8 ft	10 ft	20 ft
RM-31	30 ft	0.00011920928955078125 sq ft	0.000002384185791015625 ft	125829120 units/acre	10 ft	8 ft	10 ft	20 ft
RM-32	30 ft	0.000059604644775390625 sq ft	0.0000011920928955078125 ft	251658240 units/acre	10 ft	8 ft	10 ft	20 ft
RM-33	30 ft	0.0000298023223876953125 sq ft	0.00000059604644775390625 ft	503316480 units/acre	10 ft	8 ft	10 ft	20 ft
RM-34	30 ft	0.00001490116119384765625 sq ft	0.000000298023223876953125 ft	1006632960 units/acre	10 ft	8 ft	10 ft	20 ft
RM-35	30 ft	0.000007450580596923828125 sq ft	0.0000001490116119384765625 ft	2013265920 units/acre	10 ft	8 ft	10 ft	20 ft
RM-36	30 ft	0.0000037252902984619140625 sq ft	0.00000007450580596923828125 ft	4026531840 units/acre	10 ft	8 ft	10 ft	20 ft
RM-37	30 ft	0.00000186264514923095703125 sq ft	0.000000037252902984619140625 ft	8053063680 units/acre	10 ft	8 ft	10 ft	20 ft
RM-38	30 ft	0.000000931322574615478515625 sq ft	0.0000000186264514923095703125 ft	16106127360 units/acre	10 ft	8 ft	10 ft	20 ft
RM-39	30 ft	0.0000004656612873077392578125 sq ft	0.00000000931322574615478515625 ft	32212254720 units/acre	10 ft	8 ft	10 ft	20 ft
RM-40	30 ft	0.00000023283064365386962890625 sq ft	0.000000004656612873077392578125 ft	64424509440 units/acre	10 ft	8 ft	10 ft	20 ft
RM-41	30 ft	0.000000116415321826934814453125 sq ft	0.0000000023283064365386962890625 ft	128849018880 units/acre	10 ft	8 ft	10 ft	20 ft
RM-42	30 ft	0.0000000582076609134674072265625 sq ft	0.00000000116415321826934814453125 ft	257698037760 units/acre	10 ft	8 ft	10 ft	20 ft
RM-43	30 ft	0.00000002910383045673370361328125 sq ft	0.000000000582076609134674072265625 ft	515396075520 units/acre	10 ft	8 ft	10 ft	20 ft
RM-44	30 ft	0.000000014551915228366851806640625 sq ft	0.0000000002910383045673370361328125 ft	1030792151040 units/acre	10 ft	8 ft	10 ft	20 ft
RM-45	30 ft	0.0000000072759576141834259033203125 sq ft	0.00000000014551915228366851806640625 ft	2061584302080 units/acre	10 ft	8 ft	10 ft	20 ft
RM-46	30 ft	0.00000000363797880709171295166015625 sq ft	0.000000000072759576141834259033203125 ft	4123168604160 units/acre	10 ft	8 ft	10 ft	20 ft
RM-47	30 ft	0.000000001818989403545856475830078125 sq ft	0.0000000000363797880709171295166015625 ft	8246337208320 units/acre	10 ft	8 ft	10 ft	20 ft
RM-48	30 ft	0.0000000009094947017729282379150390625 sq ft	0.00000000001818989403545856475830078125 ft	16492674416640 units/acre	10 ft	8 ft	10 ft	20 ft
RM-49	30 ft	0.00000000045474735088646411895751953125 sq ft	0.000000000009094947017729282379150390625 ft	32985348833280 units/acre	10 ft	8 ft	10 ft	20 ft
RM-50	30 ft	0.000000000227373675443232059478759765625 sq ft	0.0000000000045474735088646411895751953125 ft	65970697666560 units/acre	10 ft	8 ft	10 ft	20 ft
RM-51	30 ft	0.0000000001136868377216160297393798828125 sq ft	0.00000000000227373675443232059478759765625 ft	131941395333120 units/acre	10 ft	8 ft	10 ft	20 ft
RM-52	30 ft	0.00000000005684341886080148696969494140625 sq ft	0.000000000001136868377216160297393798828125 ft	263882790666240 units/acre	10 ft	8 ft	10 ft	20 ft
RM-53	30 ft	0.00000000002842170943040074348484747072265625 sq ft	0.0000000000005684341886080148696969494140625 ft	527765581332480 units/acre	10 ft	8 ft	10 ft	20 ft
RM-54	30 ft	0.000000000014210854715200371742423735361328125 sq ft	0.0000000000002842170943040074348484747072265625 ft	1055531162664960 units/acre	10 ft	8 ft	10 ft	20 ft
RM-55	30 ft	0.000000000007105427357600185871211867166015625 sq ft	0.00000000000014210854715200371742423735361328125 ft	2111062325329920 units/acre	10 ft	8 ft	10 ft	20 ft
RM-56	30 ft	0.000000000003552713678800092928605935830078125 sq ft	0.00000000000007105427357600185871211867166015625 ft	4222124650659840 units/acre	10 ft	8 ft	10 ft	20 ft
RM-57	30 ft	0.0000000000017763568394000464342929679150390625 sq ft	0.00000000000003552713678800092928605935830078125 ft	8444249301319680 units/acre	10 ft	8 ft	10 ft	20 ft
RM-58	30 ft	0.000000000000888178419700023217146464795751953125 sq ft	0.000000000000017763568394000464342929679150390625 ft	16888498602639360 units/acre	10 ft	8 ft	10 ft	20 ft
RM-59	30 ft	0.0000000000004440892098500116070732323978759765625 sq ft	0.00000000000000888178419700023217146464795751953125 ft	33776997205278720 units/acre	10 ft	8 ft	10 ft	20 ft
RM-60	30 ft	0.00000000000022204460492500580353661619393798828125 sq ft	0.000000000000004440892098500116070732323978759765625 ft	67553994410557440 units/acre	10 ft	8 ft	10 ft	20 ft
RM-61	30 ft	0.000000000000111022302462500290175180596969494140625 sq ft	0.0000000000000022204460492500580353661619393798828125 ft	135107988821114880 units/acre	10 ft	8 ft	10 ft	20 ft
RM-62	30 ft	0.0000000000000555111512312501450875902984747072265625 sq ft	0.00000000000000111022302462500290175180596969494140625 ft	270215977642229760 units/acre	10 ft	8 ft	10 ft	20 ft
RM-63	30 ft	0.000000000000027755575615612500725437619393798828125 sq ft	0.000000000000000555111512312501450875902984747072265625 ft	540431955284459520 units/acre	10 ft	8 ft	10 ft	20 ft
RM-64	30 ft	0.0000000000000138777878078062500362718096969494140625 sq ft	0.00000000000000027755575615612500725437619393798828125 ft	1080863910568919040 units/acre	10 ft	8 ft	10 ft	20 ft
RM-65	30 ft	0.00000000000000693889390390312500181359396969494140625 sq ft	0.000000000000000138777878078062500362718096969494140625 ft	2161727821137838080 units/acre	10 ft	8 ft	10 ft	20 ft
RM-66	30 ft	0.0000000000000034694469519515625000906796969494140625 sq ft	0.0000000000000000693889390390312500181359396969494140625 ft	4323455642275676160 units/acre	10 ft	8 ft	10 ft	20 ft
RM-67	30 ft	0.000000000000001734723475975781250004533984747072265625 sq ft	0.000000000000000034694469519515625000906796969494140625 ft	8646911284551352320 units/acre	10 ft	8 ft	10 ft	20 ft
RM-68	30 ft	0.00000000000000086736173798789062500022669923735361328125 sq ft	0.00000000000000001734723475975781250004533984747072265625 ft	17293822569102704640 units/acre	10 ft	8 ft	10 ft	20 ft
RM-69	30 ft	0.00000000000000043368086899394531250001133496187166015625 sq ft	0.0000000000000000086736173798789062500022669923735361328125 ft	34587645138205409280 units/acre	10 ft	8 ft	10 ft	20 ft
RM-70	30 ft	0.00000000000000021684043449697265625000056674809393798828125 sq ft	0.0000000000000000043368086899394531250001133496187166015625 ft	69175290276410818560 units/acre	10 ft	8 ft	10 ft	20 ft
RM-71	30 ft	0.000000000000000108420217248486328125000028337404896969494140625 sq ft	0.0000000000000000021684043449697265625000056674809393798828125 ft	138350580552821639040 units/acre	10 ft	8 ft	10 ft	20 ft
RM-72	30 ft	0.000000000000000054210108624243164062500001416870244747072265625 sq ft	0.00000000000000000108420217248486328125000028337404896969494140625 ft	276701161105643278080 units/acre	10 ft	8 ft	10 ft	20 ft
RM-73	30 ft	0.000000000000000027105054312121578125000007084351223735361328125 sq ft	0.00000000000000000054210108624243164062500001416870244747072265625 ft	553402322211286556160 units/acre	10 ft	8 ft	10 ft	20 ft
RM-74	30 ft	0.00000000000000001355252715606078906250000035421756187166015625 sq ft	0.00000000000000000027105054312121578125000007084351223735361328125 ft	1106804644422573112320 units/acre	10 ft	8 ft	10 ft	20 ft
RM-75	30 ft	0.000000000000000006776263578030394531250000017710878096969494140625 sq ft	0.00000000000000000135525271560607890625000003542175618716601562					

Major Site Plan/Subdivision Findings

- Any use requiring a TIA, multi-family dwelling developments and all subdivision developments with 10 lots or more.
- Evidentiary (QJ) hearing – plan must meet findings:
 - All applicable provisions of this UDO; and
 - Provides adequate infrastructure (transportation, utilities, etc.) to support the plan as proposed; and
 - The plan will not be detrimental to the use or development of adjacent properties.



Next Steps

Next Steps:

- Adoption
- Implementation
- Future Zoning Map Amendments

Contacts:

Stephen Smith
ssmith@ayden.com
 252-481-5828

Chad Sary
csary@stewartinc.com
 919-866-4742

Motion to adopt the Unified Development Ordinance.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 4-0

Motion passed unanimously.

V. CONSENT AGENDA

- Proclamation designating January 2020 as Human Trafficking Awareness Month in Ayden, NC

Item Explanation

Melinda Sampson, Community Outreach Coordinator for NC Stop Human Trafficking Now Coalition, has asked the Board to declare January 2020 as Human Trafficking Awareness Month in Ayden.

Staff Comments

Proclamation attached for the Board's consideration.

Action Requested

Present Proclamation to a representative from NC Stop Human Trafficking Now Coalition.

- A. Minutes from the November 12th and December 9th, 2019 Board Meetings

Motion to approve the consent agenda.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Approved: 4-0

Motion passed unanimously.

VI. ACTION ITEMS

- A. Ordinance for Demolition of a Dwelling - 4214 Martin Luther King Jr Street

Item Explanation

As evidenced in the attached material, 4214 Martin Luther King Jr Street (PN 22501) 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. Code Enforcement Officer Wayne Hardee inspected the site on September 10, 2019 and found continued deterioration of the structure. As required, Mr. Hardee sent notice to the property owner, Julia Wilson, and scheduled a hearing for October 7, 2019 to discuss a course of action with the owner. The owner did not attend the hearing. An order to take corrective action was sent to the property owner on November 6, 2019. No corrective actions have been taken.

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 19-20-13 Demolition of Dwelling at 4214 Martin Luther King Jr Street.



ORDINANCE NO. 19-20-13
AN ORDINANCE ADOPTED BY THE AYDEN GOVERNING BOARD
REQUIRING THE OWNER TO DEMOLISH AND REMOVE
THE DWELLING LOCATED AT 4214 MARTIN LUTHER KING JR STREET
(Pitt Co. Parcel #22501) 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 **October 7, 2019**, 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.

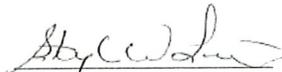
Ordinance No. 19-20-13
Page Two

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

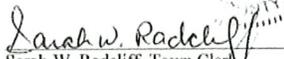
1. The Town Manager or his designee is hereby authorized and directed to proceed to demolish and remove the dwelling owned by Julia Wilson, **PO Box 8811, New Haven CT 06532**, said property located at 4214 Martin Luther King Jr Street, Ayden; and
2. The cost of demolition and removal shall constitute 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 13th day January, 2020.




Stephen W. Tripp, Mayor

Attest:


Sarah W. Radcliff, Town Clerk

Motion to approve.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 4-0

Motion passed unanimously.

B. Ordinance for Demolition of a Dwelling - 4374 East Avenue

Item Explanation

As evidenced in the attached material, 4374 East Avenue (PN 01368) 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. Code Enforcement Officer Wayne Hardee inspected the site on September 10, 2019 and found continued deterioration of the structure. As required, Mr. Hardee sent notice to the property owner, Peggy Larkins, and scheduled a hearing for October 7, 2019 to discuss a course of action with the owner. The owner did not attend the hearing. An order to take corrective action was sent to the property owner on November 6, 2019. No corrective actions have been taken.

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 19-20-14 Demolition of Dwelling at 4374 East Avenue.



ORDINANCE NO. 19-20-14
AN ORDINANCE ADOPTED BY THE AYDEN GOVERNING BOARD
REQUIRING THE OWNER TO DEMOLISH AND REMOVE
THE DWELLING LOCATED AT 4374 EAST AVENUE (Pitt Co. Parcel #01368)
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 **October 7, 2019**, 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.

Ordinance No. 19-20-14
Page Two

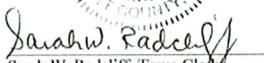
NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Ayden that:

1. The Town Manager or his designee is hereby authorized and directed to proceed to demolish and remove the dwelling owned by Peggy Larkins, **PO Box 30251, Greenville NC 27833**, said property located at 4374 East Avenue, 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 be become effective upon its adoption.

Adopted this the 13th day January, 2020.



Attest:


Sarah W. Radcliff, Town Clerk


Stephen W. Tripp, Mayor

Motion to approve.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Approved: 4-0

Motion passed unanimously.

- C. Approve Use of \$800,000 in Electric Funds as Match for Federal Economic Development Grant Application for Food Commercialization Center

Item Explanation

As the Town Board knows, the NC General Assembly has budgeted \$2.5 million for our Eastern North Carolina Food Commercialization Center(ENCFCC); i.e., \$1 million for FY19-20 and \$1.5 for FY20-21. Unfortunately, the NC Senate remains at an impasse in passing the budget to override the Governor's veto of it. The Senate is reconvening in January to discuss the budget further. Until this is resolved, our \$2.5 million is stalled.

We know from the federal Economic Development Association(EDA) that the up to 80% grant funding, tied to Hurricane's Matthew and Florence, is set to expire in early 2020 and go back to 50% funding – we were informed that our grant application needs to be filed in January to have a shot at the up to 80% funding. With 80% funding, we would only need \$800,000 in matching funds against the \$4 million construction costs of the FCC – that would leave \$1.7 million of the state's monies that we could use for equipment purchases and first year operating costs. At 50% our match would be \$2.0 million leaving only \$500,000 for equipment and operating costs.

Rep. Linda Johnson of Cabarrus County, one of our supporters for the ENCFCC, in November reached out to the Golden LEAF Foundation for bridge funding for our \$800,000 match to EDA and the Foundation met with Keith Purvis, our ENCFCC Project Manager to discuss this. The idea here is we would repay the \$800,000 to the Foundation once our \$2.5 million in state funds is cut loose.

Staff Comments

Keith Purvis reported at the December ENCFCC Board his contact with the Golden LEAF Foundation has not yielded the \$800,000 matching funds for the EDA grant without first submitting a completed application requesting the funding. Problem here is that the process for submitting an application, its review, and a determination by the Golden LEAF Board of Directors will take 60 to 90 days to complete. Unfortunately, as stated above, we have to have our application into EDA prior to the end of January to have a shot at the 80% funding – past January, 80% funding is no longer available and it falls back to 50% funding. Mayor Tripp at the ENCFCC Board suggested the Town of Ayden provide the \$800,000 match for the EDA funds from our Electric Fund as an economic development expenditure and then have this reimbursed when the General Assembly finally approves the state budget with the \$2.5 million appropriated to the ENCFCC. Toward this end, this is on the Town Board's agenda for this January 13th meeting for consideration.

A resolution to this effect is enclosed for the Town Board's consideration.

Action Requested

As the Town Board directs. The resolution will require a motion and a vote to approve.



RESOLUTION NO. 19-20-14
APPROVING \$800,000 MATCH FOR FEDERAL ECONOMIC DEVELOPMENT
ADMINISTRATION ENCFCC GRANT APPLICATION

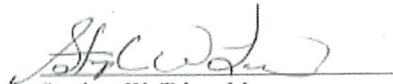
WHEREAS, the Town of Ayden, North Carolina, in conjunction with the non-profit Eastern North Carolina Food Commercialization Center, Inc., is applying for a federal Economic Development Association (EDA) Grant for 80% of the cost of the construction of a \$4 million food commercialization center; i.e., a \$3.2 million grant; and

WHEREAS, said EDA Grant requires a committed match of \$800,000 of which the Town of Ayden commits such amount from its Electric Fund as an economic development expenditure as the food commercialization center will be an electric utility customer of the Town; and

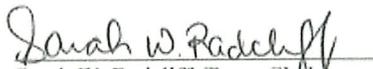
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Ayden, North Carolina, that it hereby commits \$800,000 from its Electric Fund as a committed match for a \$3.2 million grant from the EDA to construct a \$4 million food commercialization center.

Adopted this the 13th day of January 2020 in Ayden, North Carolina.




Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:


Sarah W. Radcliff, Town Clerk

Motion to approve.

Motion: Commissioner Langley

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 4-0

Motion passed unanimously.

D. Designation of Applicant's Agent for North Carolina Division of Emergency Management

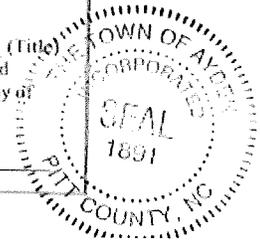
Item Explanation

Hurricane Dorian was designated a National disaster by FEMA.(FEMA -4465-DR-NC). Th designation allows the Town to request reimbursement of storm related expenditures incurred by the Town. To make reimbursement request, the Town must designate a primary and secondary agent to make claims by means of a board approved resolution. Each designated disaster requires a new resolution.

Action Requested

Approve resolution designating Town Manager and Finance Director as agents for the Town of Ayden.

RESOLUTION	
DESIGNATION OF APPLICANT'S AGENT	
North Carolina Division of Emergency Management	
Organization Name (hereafter named Organization) TOWN OF AYDEN	Disaster Number: FEMA-4465-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 56 - 6001170	
Applicant's Federal Information Processing Standards (FIPS) Number	
PRIMARY AGENT	SECONDARY AGENT
Agent's Name STEVEN L HARRELL	Agent's Name ROBERT C TAYLOR JR
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 03rd day of January, 2020</p>	
GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title STEPHEN W TRIPP, MAYOR	Name SARAH W. RADCLIFF
Name and Title <i>[Signature]</i>	Official Position TOWN CLERK
Name and Title <i>[Signature]</i>	Daytime Telephone (252) 481-5826
CERTIFICATION	
I, SARAH W. RADCLIFF, (Name) duly appointed and TOWN CLERK (Title)	
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 03 rd day of JANUARY, 2020.	
Date: 01/13/2020	Signature: <i>[Signature]</i>



Motion to approve.

Motion: Commissioner Goff

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 4-0

Motion passed unanimously.

E. Mount Olive Missionary Baptist Church Drainage Concern

Item Explanation

Sink holes have developed in proximity to existing drainage pipe in close proximity to the Mount Olive Missionary Baptist Church (located at intersection of West Avenue and Mill Street). The existing drainage pipe system is in close proximity to the church building. The existing drainage pipe has been video inspected in an effort to determine the cause of sink hole problems and to make recommendation to address problems.

Based on video inspection, the existing corrugated metal piping is in poor condition. The pipe needs to be replaced. As part of replacement, the pipe is recommended to be relocated such that the pipe is not close to any building. Recognizing the cost involved with replacement, an opportunity for financial assistance through the Golden LEAF Foundation's Disaster Recovery Assistance program exists. Golden LEAF received an additional appropriation of funds from the State for consideration to address infrastructure damage. Golden LEAF released a notification to prior applicants that anyone wishing to have an application considered at the next Golden LEAF Board meeting (February 2020) needed to have application(s) submitted prior to January 2, 2020. With such a tight deadline, an application was submitted on December 21, 2019. In support of an evaluation documenting the condition of the existing drainage system, the following exhibit is attached for review:

Attachments:

- Slide presentation of evaluation of drainage system

Staff Comments

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

Action Requested

By motion, concur with submittal of Golden LEAF application for funding for Mt. Olive Church drainage.

Motion to concur with submittal of Golden LEAF Application for funding for Mount Olive Church drainage.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Approved: 4-0

Motion passed unanimously.

VII. ITEMS FOR DISCUSSION

A. Discussion of Deposits for Commercial Customers

This item was tabled to the February 10, 2020 meeting.

B. Report on Legacy Lounge Recorded Decibel Levels

Item Explanation

At Town Board's December 9, 2019 meeting, the Board adopted the enclosed decibel level ordinance and instructed

staff to monitor the Legacy Lounge decibel levels for the following month until the Board's January 13, 2020 meeting. Purpose being to determine if the lounge noise level could meet the decibel levels in the adopted ordinance.

Staff Comments

The Ayden Police Department monitored the Legacy Lounge's noise decibel level each weekend this past month with the highest recorded decibel at the property line of the lounge being 58; well within the maximum level of 60 allowed by the ordinance.

Action Requested

As the Town Board directs.

Manager Harrell stated we had passed out the decibel readings for the period of 12/13/19 through 1/12/2020 and all readings were below the 60 decibel level set by the Town Board. Mayor Tripp stated his concern was with the shooting that occurred and the safety of our citizens. Attorney Dixon stated the matter on the agenda was to discuss the decibel levels, not the re-evaluation of the CUP. He said in order for the applicants to have sufficient notice, that matter would need to be discussed at the next meeting.

VIII. INFORMATION

A. Staff Departmental Reports

Manager Harrell stated Chief Stanley would like to turn the old jail into an evidence room since court is no longer being held in Ayden. Mayor Pro-tem Mewborn asked if it was cost effective. Captain Forehand said our jail was only a holding facility during court.

Tommy Duncan stated Farmville asked to use our gym for a home school program. Mayor Pro-tem Mewborn and Commissioner Davis were against the request. Goff, Langley and Mayor Tripp agreed. Request approved.

IX. BOARD MEMBER COMMENTS

The Board thanked everyone for their attendance and their support. Mayor Tripp stated he was concerned about lack of leaf pickup. He said it affected the aesthetics of the town.

X. CLOSED SESSION

Motion to enter into closed session at 10:33p.m. 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 and pursuant to G.S. 143-318.11 (a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Approved: 4-0

Motion passed unanimously.

Motion to enter back into open session at 10:55p.m.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Approved: 4-0

Motion passed unanimously.

XI. ADJOURNMENT

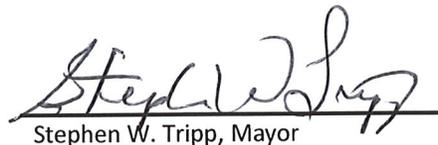
Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 10:55p.m.

CERTIFICATION

Minutes from the January 13, 2020 meeting were adopted and certified this 10th day of February, 2020 in Ayden, North Carolina.



AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor


Sarah W. Radcliff, Town Clerk

