



**TOWN OF AYDEN
GOVERNING BOARD SPECIAL CALLED MEETING
MINUTES**

February 3, 2020 - 7:00 PM
District Courtroom – 2nd Floor of Town Hall – 4144 West Avenue

21I. CALL TO ORDER

A. Call to order

Mayor Tripp called the meeting to order at 7pm.

B. Roll Call

Present:

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

Absent:

None

Also Present:

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

C. Approval of the Agenda

Motion to approve the agenda as presented.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

II. PUBLIC HEARING

A. Zoning Text Amendment - Vehicle Services - Major Maintenance/Repair

Item Explanation

This is a staff-initiated request for a text amendment to Section 410.060 N.3, (Vehicle Services – Major Maintenance/Repair) The text amendments is as follows:

N. Vehicle Services – Major Maintenance/Repair

1. 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.

2. Acceptable screening shall include a fence in accordance with the standards in Subsection N.3 below or existing vegetation on the property that provides a complete visual barrier to a height of at least six-feet.
3. The fence shall be located on the interior side of the required landscape materials. 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 subsection. Fence installation shall be consistent with acceptable building practices.
4. No vehicle shall be stored on the premises for more than twenty (20) days.
5. There shall be no exterior storage of items other than vehicles.
6. All services shall be performed within a completely enclosed building.

At the January 13th Town Board meeting, the Board directed staff to prepare a zoning text amendment to allow chain link fences with inserts to be used as acceptable screening.

Currently, our Unified Development Ordinance requires a solid fence be installed to completely screen the storage areas for wrecked and damaged cars from view.

Staff Comments

It is staff's opinion that this text amendment is not consistent with the Town of Ayden Comprehensive Plan. Specifically, LU-4 (Land Use Strategy 4) is to ensure that the community appearance is attractive for residents and visitors. Appearance and character are an important component of economic development. This section of the Land Use plan also talks about enhancing the Town's primary gateways corridors. The requirements in the UDO for this use, as well as other intensive uses that are permitted along our gateway corridors, were developed with these strategies in mind.

At their special called meeting on 1/29/20, the Planning Board voted unanimously to recommend denial of the text amendment.

Action Requested

Conduct a Public Hearing

By motion, approve or deny the enclosed Zoning Text Amendment Ordinance No. 19-20-15. 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 Text Amendment Ordinance No. 19-20-15.

- 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 Text Amendment.

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



ORDINANCE NO. 19-20-15
AN ORDINANCE ADOPTED BY
THE GOVERNING BOARD OF THE TOWN OF AYDEN, NC
AMENDING THE TOWN OF AYDEN OFFICIAL UNIFIED DEVELOPMENT ORDINANCE

- WHEREAS, following due advertisement announcing a public hearing as provided by law, the Town of Ayden Governing Board held a public hearing on February 3rd, 2020, to receive public comments regarding a request for a zoning text amendment submitted by the Town of Ayden to modify Section 410.060 N.3, (Vehicle Services – Major Maintenance/Repair), and
- WHEREAS, the Town of Ayden Planning Board at its January 29th, 2020 meeting voted unanimously to recommend denial of the Zoning Text Amendment; and
- WHEREAS, the Town of Ayden Governing Board heard all evidence and arguments presented and all reports from Town Staff pertaining to said application and hereby approves the Zoning Text Amendment as follows.

NOW, THEREFORE, BE IT ORDAINED, by the Town of Ayden Governing Board that Section 410.060 N.3, (Vehicle Services – Major Maintenance/Repair) of the Town of Ayden Unified Development Ordinance are hereby amended as follows:

Section 410.060 N.3 – Vehicle Services – Major Maintenance/Repair: The fence shall be located on the interior side of the required landscape materials. 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 be used to satisfy the requirements of this subsection. Fence installation shall be consistent with acceptable building practices.

BE IT FURTHER ORDAINED, by the Town of Ayden Governing Board, that this ordinance shall take effect immediately upon its adoption.

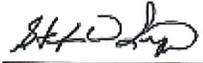
Adopted this the 3rd day of February 2020 in Ayden, North Carolina.

ATTEST:


Sarah Radcliff, Town Clerk



AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor

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 text Amendment Ordinance No 19-20-15.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

B. Conditional Use Permit - Quasi-Judicial Hearing

Sarah Radcliff swore in Stephen Smith and Dean McLawhorn. Mr. Smith presented to the board.

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.

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

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

*Mr. Smith stated now that the text amendment has been approved, the fencing requirement has changed to read as follows:

3. The fence shall be located on the interior side of the required landscape materials. 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 subsection. Fence installation shall be consistent with acceptable building practices.

Mr. Smith stated the Planning Board's recommendation was based on the original application and they have not reviewed this amended request; therefore, their recommendation should be withdrawn.

Action Requested

Conduct a Quasi-Judicial Hearing and go through the Findings of Fact. Motion to approve or deny the Conditional Use Permit.

No one else spoke.

Mayor Tripp read the Findings of Fact. The Board found 7 of 7 required findings to be met.

Motion to approve the CUP with inclusion of the newly adopted text amendment.

Motion: Commissioner Langley

Second: Commissioner Davis

Discussion: Mayor Tripp stated if at any time the fence does not meet the criteria set by the Board, the Board can re-evaluate the permit.

Approved: 5-0

Motion passed unanimously.

III. ACTION ITEMS

A. Construction of Sanitary Sewer Line on NC102 East

Rich Moore, McDavid Associates, presented to the Board.

Item Explanation

In the early 2000's, the Town invested in expansion of its sanitary sewer collection system to address an area with failed on-site septic systems (Ayden Country Club) and provide the capability to serve growth opportunities. The sewer expansion coincided with a downturn in the economy that significantly slowed residential growth. This required the Town to raise rates to pay for debt service associated with loans needed to install sanitary sewer facilities. With the growth of the economy, the Town is witnessing demands for residential growth in the eastern-most sections of the Town's jurisdiction. New subdivisions are currently under construction in the vicinity of the Ayden Country Club.

Staff Comments

Local developers Leo Venters and Kenneth Smith have approached the Town regarding the feasibility of having access to central sewer along the NC 102 corridor (east and west of Ayden Country Club Road) and to property having access to Ayden Country Club Road (north of NC 102). The Town does not presently have central sewer in these areas, but prior investment provides the ability to extend gravity sewer from Town facilities.

Leo Venters is working on a subdivision of an existing 63.38 acre tract with access to Ayden Golf Club Road (on north side of NC 102). The existing property can support septic tanks. Central sewer would allow for slightly greater lot numbers. Central sewer would allow the Town to annex the property, extending the Town's corporate limits, adding tax base, and adding utility revenue (as homes develop).

Kenneth Smith owns several parcels along the NC 102 corridor, most notably a 196.03 tract on the north side of NC

102. While not having any current plans for development, Mr. Smith indicates that availability of sewer will result in opportunities for combination of residential and small commercial development.

The eastern corridor of NC 102 represents an opportunity for growth. Municipal services are prompting new developments. Interest in new development is targeting Ayden as a destination.

For consideration, the Town has an opportunity to extend central sewer to provide access to current undeveloped property from Swift Creek to the eastern side of Ayden Golf Club Road. Installation of sewer will provide immediate access for a current development being proposed by Leo Venters and will make sewer available along the NC 102 traffic corridor.

Cost to extend sewer is significant (\$2.2 million). With no immediate additional customers, this equates to a 6% increase in existing sewer rates to finance proposed construction on the open market (no financial assistance programs support extending service to undeveloped properties that result in conversion of prime/important farmland). For the Town to invest in an extension would be a financial risk that is based on opportunity for development/tax base/utility revenue in an environment that is currently pro-development/pro-growth.

Positives of investment in a sewer extension are as follows:

1. Town's sewer service area footprint will be expanded to the east. Proposed initial investment will provide immediate access to sewer from approximately 800+ acres of undeveloped property in an area where residential growth is occurring. The availability of sewer will make it feasible to further expand sewer beyond the 800+ acre limit of the \$2.2 million investment. Without central sewer, residential growth will occur with septic systems and the ability to expand the Town's corporate limits will be significantly restricted.
2. Leo Venters has a current need to provide central sewer to a proposed residential subdivision within a 63.38 acre tract. An assumed 150 lots with an average developed value of \$230,000 per lot equates to \$34,500,000 of additional tax base (\$186,300 property tax revenue). Additional 150 homes also represents additional utility revenue (water/sewer/electric/stormwater) to the Town. To support central sewer within his subdivision, Mr. Venters will have an approximate \$600,000 cost investment to further extend Town sewer.
3. Kenneth Smith desires to develop his property along the NC 102 corridor into a mixed use of residential and commercial developments. Sewer availability will aid in the promotion of growth that will further add tax base, tax revenue, and utility revenue to the Town.

Investing in an extension of central sewer as proposed is a financial risk. Leo Venters desires to share the risk as represented by his additional \$600,000 needed to further extend sewer within his subdivision. Mr. Venters' investment represents an incentive to quickly develop his subdivision as lot sales/development will be his only method to recoup his investment costs. Recognizing the financial risk, it is recommended that developers Leo Venters and Kenneth Smith enter into a development agreement with the Town. A development agreement serves to establish a partnership between the Town and developers to promote development. A development agreement is attached. Additionally, attached is an analysis

Timing is important. Mr. Venters can move forward with his subdivision without central sewer. Development without sewer would effectively block the Town from expanding eastward to meet future growth opportunities.

As part of consideration, the following exhibits are provided for Board review:

1. Preliminary cost estimate to extend sanitary sewer from existing Town facilities to the NC 102 corridor and to undeveloped properties north of NC 102.
2. Map exhibit showing proposed extension.
3. Re-development Agreement.
4. Financial analyses showing impact on rates of 6% rate increase needed to finance the \$2.2 million sanitary sewer line

extension as well as expected revenue to Town from development of initial 164 homes.

- Estimated costs for extension per engineers is \$2.2 million dollars
- Anticipate construction loan with permanent financing in place approximately October 2020
- Anticipated interest only on Construction loan at 3.5% ◦Interest Expense FY19/20 - \$8596.58 ◦Interest Expense FY20/21 - \$22,994.52
- Permanent Financing \$2.2 million for 20 years at 3.5% - Annually \$150,000
- Annual payments, first being in FY 21/22
- Anticipate a 6% increase in sewer fees required to cover the additional debt payment

**For an average water/sewer residential household , this 6% increase equates to:

For 4,000 gallons: \$3.26 per month or \$39.12 annually

For 5,000 gallons: \$3.77 per month or \$45.24 annually

For 6,000 gallons: \$4.38 per month or \$52.56 annually

If the Town Board elects to move forward with this sanitary sewer line extension, the 6% sanitary sewer rate would be adopted by ordinance at the Town Board's February 10th meeting with an effective date of July 1, 2020 and authority given tonight to the Town Manager to finalize and execute the Pre-Development Agreement with Mr. Venters and Mr. Smith.

Action Requested

At the Town Board's direction.

Mayor Pro-tem Mewborn stated the risk mentioned was major, and asked if that was the only risk that he saw. Mr. Moore stated yes. Commissioner Davis asked if he felt the rewards outweighed the risks. Mr. Moore said he looks at it as what is your long-term objective for the town. Do you want to stay where you are or do you want to grow? Mr. Moore said if you want to grow, this is the way to do it. Mayor Tripp said this is a good return on an investment. He said if we don't do it, we will be landlocked on that side of town.

Motion to allow the manager to execute the Pre-Development Agreement to move forward with the sewer line extension and to prepare an ordinance for adoption at the February 10th meeting with the 6% sewer rate to be effective July 1, 2020.

Motion: Commissioner Langley

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 5-0

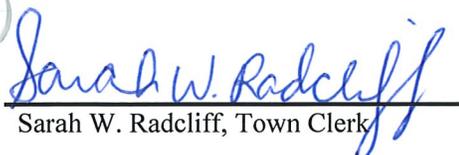
Motion passed unanimously.

IV. ADJOURNMENT

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 7:36pm.

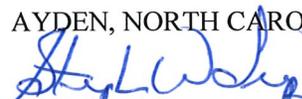
CERTIFICATION

Minutes from the February 3, 2020 meeting were adopted and certified this 11th day of May, 2020 in Ayden, North Carolina.


Sarah W. Radcliff, Town Clerk



AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor