



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

February 10, 2020 - 7:00 PM
District Courtroom – 2nd Floor of Town Hall – 4144 West Avenue

CALL TO ORDER

- A. Call to order
- B. Roll Call

Present:

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

Absent:

None

Also Present:

Steven Harrell, Town Manager
Kimberly Raynor, Administrative Support Specialist
Scott Dixon, Town Attorney

- C. Welcome Visitors/Protocol for Public Comment
- D. Invocation
- E. Pledge of Allegiance
- F. Approval of the Agenda

Mayor Tripp asked the board to consider reordering items G and H under the action items to A and B and moving the remaining items down the list.

Motion to approve agenda as amended.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

II. PUBLIC COMMENTS

Suzanne Creech, candidate for county commissioner, said she was passionate about small businesses growth in downtown Ayden. Her goal was to increase the tax base so we could lower the tax rate.

Nicky Rapoza, Legacy Lounge, asked the board to reconsider pulling the conditional use permit since he wanted to continue to do business within the town of Ayden. Shon Bruinton and Glen Edwards also spoke on behalf of the Legacy Lounge. They stated that security measures had been made to increase the safety of the patrons to the lounge. They also appreciated the chance to do business with and Ayden and wanted to continue be a part of the town's growth.

Billy McLawhorn spoke on behalf of a plat that had been submitted at last month's board meeting and said the soils were not suitable for the development. He said developing the area would create water runoff issues to the surrounding properties in addition to creating standing water and septic issues for the property owners that build on the site. Jolly Dail also spoke and was opposed to the development because he had tended to the land for years and knew the land better than anyone else. He said the board would not be here in 20 years but if they allow the land to be developed it would be regression instead of progression.

III. PRESENTATIONS

A. Recognition of AGHS Principal Dr. Chena Cayton as Pitt County Principal of the Year for 2019

Item Explanation

Dr. Chena Cayton, principal of Ayden-Grifton High School, was recognized as Principal of the Year for 2019 by Pitt County Schools.

Staff Comments

Enclosed is a Mayor's Proclamation recognizing Dr. Cayton's award as Principal of the Year for 2019.

Action Requested

Presentation of the proclamation.

Mayor Tripp recognized Dr. Chena Cayton with a proclamation for principal of the year for 2019 by Pitt County schools.

B. Recognition of Ayden-Grifton Girls Volleyball Team as 2019 State Class AA Runner-up

Item Explanation

Ayden-Grifton High School Girls Volleyball Team, 2019 State Class AA Runner-up, will be present for recognition by the Town Board.

Staff Comments

Enclosed is a proclamation recognizing our Ayden-Grifton High School Girls Team as 2019 State Class AA Runner-up.

Action Requested

By motion, approve and present proclamation.

Mayor Tripp recognized the Ayden Grifton high school girl's volleyball team with a proclamation for being the 2019 State Class AA runner-up.

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

Item Explanation

Lisa Koonce will be present for recognition and thanks for restoring the Collard Festival wall mural.

Staff Comments

Staff will have some photo to show of the restored mural and a letter of thanks from the Town to present to Lisa.

Action Requested

No action required.

Mayor Tripp thanked Lisa Koonce for repainting the Collard Festival mural in downtown Ayden.

IV. PUBLIC HEARING

- A. Zoning Map Update - Public Hearing

Item Explanation

As part of the Unified Development Ordinance adoption, an amended zoning map is proposed which shows changes in the zoning classifications. For the vast majority of parcels, the effect of this change will be minimal. Every effort was made to apply a new district designation that closely resembled the old designation or actual use of the parcel.

Staff Comments

Staff will make a presentation outlining the areas on the zoning map that have changed. The changes in zoning designations are based on the recent adoption of the Town of Ayden Land Use Map.

At their January 20th meeting, the Ayden Planning Board voted unanimously to recommend adoption of the updated zoning map.

Action Requested

Conduct Public Hearing

Consider adoption of the Updated Town of Ayden Zoning Map

Stephen Smith presented to the board.

Mayor Tripp opened the public hearing. With no one speaking for or against the item, the public hearing was closed.

Mayor Tripp called for a motion.

Motion to adopt the updated zoning map.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

V. CONSENT AGENDA

A. Minutes from the January 13, 2020 Meeting

B. Resolution Awarding Service Weapon and Badge to Retiring Police Chief

Item Explanation

Vance "Barry" Stanley has served as a member of the Ayden Police Department from December 12, 2011 until February 29, 2020, at which time he will retire from the Ayden Police Department and an active career in law enforcement.

North Carolina General Statute Chapter 20-187.2 authorizes governing boards of law enforcement agencies to award to a retiring member the badge worn by him, as well as his service weapon: Glock 43 Caliber 9 MM Serial Number ZVV181.

Staff Comments

Attached is a resolution for adoption by the Town Board that declares surplus and awards to Chief Stanley at his retirement, the badge and service weapon (SN ZVV181) with three magazines carried by him.

Action Requested

By motion, adopt attached resolution.



**RESOLUTION 19-20-15
DECLARING THE BADGE AND SERVICE WEAPON CARRIED BY
POLICE CHIEF VANCE B. STANLEY
SURPLUS AND AWARDING THEM TO HIM ON HIS RETIREMENT**

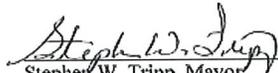
WHEREAS, Vance B. Stanley served as a member of the Ayden Police Department from December 12, 2011 until February 29, 2020, at which time he will retire from the Ayden Police Department and an active career in law enforcement; and

WHEREAS, North Carolina General Statute Chapter 20-187.2 authorizes governing boards of law enforcement agencies to award to a retiring member the badge worn by him, as well as his service weapon: Glock, 9 caliber, Model 43, Serial Number ZVV181; and

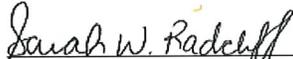
NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Town of Ayden, North Carolina, that the badge and service weapon (Serial # ZVV181) with three magazines carried by Chief Barry Stanley be declared surplus and awarded to him at his retirement.

Adopted this 10th day of February, 2020.




Stephen W. Tripp, Mayor

ATTEST:


Sarah W. Radcliff, Town Clerk

C. Reappointment to the Ayden Arts & Recreation Commission

Item Explanation

Shannon Speaker's term as an alternate member on the Ayden Arts & Recreation Commission expired on January 31, 2020 and she is eligible for reappointment.

Staff Comments

Vacancy was advertised on the Town's website and Facebook page. Staff received one application, which was from Ms. Speaker as enclosed.

Action Requested

Motion to reappoint Ms. Speaker as alternate member to the Arts & Recreation Commission to a three-year term that will expire in January 2023.

D. Approve Participation Homefest 2020

Item Explanation

Enclosed is information about the upcoming Saturday, March 7, 2020, for Homefest 2020 formerly known as Eastern Home and Living Expo. Our Town participated, along with the Ayden Chamber of Commerce in this marketing opportunity for our community with advertising and a booth in the last three years' expo. The Expo last year included Greenville Utilities Commission and our own Gwendies' Goodies and Alarita Salsa with a booth. This is an opportunity again to market our community in the region. Our booth was visited by a good number of realtors and the public. Our booth was manned by volunteers from the Chamber, a Town Board member and Town staff.

Staff Comments

Recommendation is to go with Package A, if approved by the Town Board, as shown in the enclosed flyer on the Homefest. This would be 3 months of commercials for \$475 and one booth. It is our understanding that Gwendies' Goodies will not have a separate booth this year, but is willing to help man our Town booth.

Action Requested

Approve \$1,275 for Homefest 2020 and authorize Town Manager to execute ad package agreement.

E. Approve Audit Contract Amendment for 2018/2019

Item Explanation

Enclosed is the LGC form for amendment to the submittal date of the Town's audit. The original submittal date was October 31, 2019 to the LGC.

Recall, the Town's auditors Cherry Bekaert, presented a clean, unmodified audit with no findings to the Board last month.

Staff Comments

Recommendation is to approve the contract amendment to the new submittal date.

Action Requested

By motion, approve audit and amendment for LGC submittal date

Motion to approve the consent agenda.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

VI. ACTION ITEMS

G. Preliminary Subdivision Plat - Continued from January 13, 2020 Meeting

Item Explanation

The Town has received a request for approval of a Preliminary Plat submitted by Stroud Engineering. The submitted Preliminary Plat depicts 26 lots on 31.46 acres on Pleasant Plain Road with an additional 2,400 feet of new public roads (Pitt County Parcel #22589).

A Preliminary Plat approved by the Planning Board was submitted for Town Board consideration for approval at the January 13, 2020 Board meeting. Board action was to table consideration based concerns raised during the public hearing. Additional review has been performed. The following information is provided in support of consideration to approve the preliminary plat:

1. The Preliminary Plat has been unanimously approved by the Planning Board. The property is zoned for residential housing and the proposed use of the property is consistent with zoning designation.
2. The subdivision owner has had a preliminary evaluation for septic system suitability performed by a licensed soil scientist (Environmental and Soil Service, Inc.) who performed 131 hand auger bores on the site to determine soil characteristics. A copy of the evaluation is included as an exhibit. The soil evaluation provides a more thorough evaluation of soils on the property when compared to the soil maps distributed to the Board by local citizens in advance of the 1/13/20 public hearing. The previously distributed soil maps were taken from published soil survey publications. Soil survey maps are useful as a guide to what soils may actually exist at a location. Soil survey maps do not represent the accuracy of a detailed evaluation performed by a licensed soil scientist. It is further noted that beyond the soil scientist evaluation, the Pitt County Health Department must ultimately evaluate and confirm that a lot is suitable for an on-site disposal system. The subdivision owner has made a wise investment in having a thorough evaluation of the soils performed. The soil scientist report does identify some unsuitable soils on the site that the subdivision owner proposes to leave as vacant/open space.
3. The subdivision owner has engaged his attorney regarding the question on the existence of a dedicated easement for a path that is shown on an older survey of the property. The subdivision owner's attorney confirms that no prior deeds to the property make reference to any path or to any access easement. The subdivision owner agrees to provide a five (5') foot easement along the northern portion of the subdivision to serve as an access path if adjacent landowners desire for a path to remain.
4. Drainage on the property was identified as a concern at the 1/13/20 public hearing. It is noted that, if a preliminary plat is approved, the subdivision owner can proceed with engineering design of infrastructure. Design is required to comply with the Town's stormwater ordinance. A Town stormwater permit will be required prior to any construction. The Town's ordinance requires that drainage cannot leave the property at a faster rate than before construction. Drainage improvements will be required to protect the development and to protect any citizens that may ultimately live within a subdivision.

A comprehensive review of the preliminary plat has been performed by the Town Planner, Town Planning Board, and Town engineer. While the challenges of design, permitting, and Pitt County Health Department evaluation have not been met, consideration of approval of the Preliminary Plat represents step in allowing the subdivision to move forward.

Preliminary plat approval is not a final authorization to move forward with any construction. The process, consistent with Town policies, insures that property is developed in an orderly manner, protecting the general public, and consistent with land use allowances (within the Town's jurisdiction). If approved, the subdivision owner must invest in design, permitting, and compliance with Town construction standards.

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 unanimously to recommend approval of the Preliminary Play for Pleasant Plain Farm.

Mr. Scott Stone with Environmental and Soil Service, Inc. will be in attendance to address any questions regarding soil suitability for on-site wastewater systems.

Mr. Rich Moore with McDavid Associates, Inc. will be in attendance to discuss review of the Preliminary Plat based on the provided narrative and review the development's compliance with Town regulations (to include stormwater ordinance).

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 unanimously to recommend approval of the Preliminary Plat for Pleasant Plain Farm.

Action Requested

Consider Approval of Preliminary Plat of Pleasant Plain Farm subdivision.

Mayor Pro-tem Mewborn stated he was concerned about the potential flooding issues on the properties. Mayor Tripp said there was a process for the protection of future citizens and for experts to make comments if it (the subdivision) is safe or needs to be changed. He added that the process they were in right now was first and they were to decide if this (plot) meets our zoning. Following steps would include the construction plans where the county would be responsible in permitting the septic systems and our engineer would ensure the site plan met the requirements of our stormwater plan. He said we would have a chance to approve the final plot if the process was not stopped at this meeting.

Scott Stone addressed the board on behalf of the developer and explained the preliminary investigation of the land and said they were looking to the suitability of the soil to accept septic systems. His work is then submitted to Pitt County environmental health which will also do an onsite lot by lot investigation of the soils. He said if the soils meet the criteria and septic systems can be permitted then they are expected not to fail.

Commissioner Langley was concerned with the runoff to the surrounding farms. Rich Moore addressed his concern by saying that the rule was the rate of runoff could not exceed what is was prior to the development. He said it was up to the design engineer to comply with our storm water ordinance even if it meant detention facilities or increasing the ditch depth to contain and release the runoff without allowing it to dump onto adjacent properties.

Sonny McLawhorn asked the board to use their common sense to decide on what areas would flood because you cannot count on the experts to tell you that.

Tommy Jarrett representing the Pittman's (adjoining land owners) said they would be the beneficiaries of the runoff. Mr. Pittman's concern was a road or path that runs through the proposed development. He did not want it taken away. Mr. Jarrett passed out deed copies that referred to the path and said it would be interesting to see how the development would work to the detriment of the Pittman's.

Rich Moore addressed the board again and pointed out the owner was complying with the zoning ordinance. He said the developer had agreed to make a path available as mentioned in a previous comment and a comprehensive review of the development had been completed.

Motion to deny the approval of the plat due to the concern for the adjoining property owners.

Motion: Commissioner Davis

Second: Mayor Pro-tem Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

H. Consideration of Legacy Lounge Conditional Use Permit Revocation

Item Explanation

Town Board directed to bring consideration of revocation of the Conditional Use Permit of the Legacy Lounge to its February 10, 2020 meeting.

Staff Comments

Contact with the UNC School of Government indicates that under North Carolina General Statutes, since Conditional

Use Permits are issued through evidentiary hearings; i.e., quasi-judicial hearings, before the Planning Board and the Town Board, the revocation of a permit requires the same process.

If the Town Board wishes to consider the revocation of the Conditional Use Permit of the Legacy Lounge on the grounds of the business adversely affecting the safety, health, morals, or welfare of the community or of the immediate neighbors of the property, it would need to direct staff to set evidentiary hearings before the Planning Board and the Town Board, respectively.

Action Requested

By motion, direct staff to set evidentiary hearings on the Legacy Lounge Conditional Use Permit for consideration of revocation of the permit on the grounds that the business is adversely affecting the safety, health, morals, or welfare of the community or of the immediate neighbors of the property.

Mayor Pro-tem Mewborn stated he did not want anything to happen to anyone's child on his watch and agreed the men speaking on behalf of the lounge (during public comment) felt the same way. He said this (the shooting) could happen anywhere and feels like peace has been brought to this issue and they and the necessary measures are in place. He was not in favor of sending this back to the planning board for a quasi-judicial hearing to revoke the permit. Commissioner Goff wanted to know if sending it back to the planning board could validate the steps the lounge had done to increase safety. Mr. Dixon said he could speak to how the owners felt about the hearing or if they'd like the opportunity to go through the measures they've taken. He added that if the board felt that the town was unsafe due to the issue, the appropriate action would be to send it back to the planning board for a hearing. Commissioner Langley also said issues like this (the shooting) were happening all over the country and believed the lounge made a mistake and admitted it. He hoped security would never be compromised again and sought to continue the conditional use permit. There was no motion needed and the board was in consensus on allowing the lounge to continue operating. Mayor Pro-tem Mewborn and Commissioner Davis said that if it (the shooting) or something similar happened again they need to shut it down. Mayor Tripp said he believed in second chances and hoped someone's life was not ended by giving this second chance. He said we need to put things in place to mitigate shootings and DWI's that come from that establishment as reported by Winterville police. He said it was a tough decision for the board since they valued the owners and the residents in the area.

A. Adoption of Resolution in Observance of Black History Month

Item Explanation

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

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

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

Staff Comments

A resolution is enclosed for the Town Board's adoption observing Black History Month for February 2020.

Action Requested

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



**RESOLUTION NO. 19-20-16
OBSERVANCE OF BLACK HISTORY MONTH**

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Ayden that February 2020 be observed as Black History Month.

Adopted this the 10th day of February 2020 in Ayden, North Carolina.



ATTEST:

Sarah W. Radcliff
Sarah W. Radcliff, Town Clerk

Stephen W. Tripp
Stephen W. Tripp, Mayor
Town of Ayden

Motion to adopt Resolution in Observance of Black History Month.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Ross

Discussion: None
Approved: 5-0
Motion passed unanimously.

- B. Approve Ordinance Increasing Sanitary Sewer Rates July 1, 2020 to Finance NC102 Sanitary Sewer Line Extension

Item Explanation

Town Board at its Special Called Meeting on Feb. 3, 2020 approved entering into a Pre-Development Agreement with Mr. Leo Venters and Mr. Kenneth Smith in order to facilitate an extension of a sanitary sewer line along NC102 East corridor.

Staff Comments

In order to finance the \$2.2 million sanitary sewer line extension, it will take a 6% increase in sanitary sewer rates, such rates effective July 1, 2020. Enclosed for Town Board's consideration is an ordinance to affect this rate increase.

Action Requested

By motion, approve ordinance increasing sanitary sewer rates 6% effective July 1, 2020.



ORDINANCE NO. 19-20-16
INCREASING SANITARY SEWER RATES 6% EFFECTIVE
JULY 1, 2020

WHEREAS, sanitary sewer rates need to be increased six-percent (6%) effective July 1, 2020 in order to finance a sanitary sewer extension alongside the NC102 East corridor;

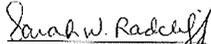
NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Ayden that the Town's sanitary sewer rates be increased six-percent (6%) effective July 1, 2020.

Adopted this the 10th day of February, 2020 in Ayden, North Carolina.




Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:


Sarah W. Radcliff, Town Clerk

Motion to approve sanitary sewer rate increase of 6% effective July 1, 2020 to finance a sanitary sewer line extension.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

C. Site Plan Approval - Legacy Park Apartments

Item Explanation

For your consideration we have received a Development Plan for a Multifamily Apartment Complex, depicting the construction of 18 apartment buildings totaling 144 units. The plan also depicts an onsite management office.

Staff Comments

The parcel is 14.35 acres and is zoned MF-CD (Multifamily Conditional Use) The property is owned by Reggie Spain Construction. The development will be located at the intersection of Snow Hill Street and NC 11 The Parcel I.D. # is 77140.

Zoning District: MF-CD (Multifamily Conditional Use)

Future Land Use Map Designation: Neighborhood Mixed Use

As you may recall, this property was rezoned in February 2017 from B2 (Highway Commercial)/CCOL (Commercial Corridor Overlay) to MF-CD (Multifamily-Conditional Use). The Following is a list of conditions placed on the project when this conditional rezoning was approved.

1. Development cannot exceed 144 units
2. An onsite management office will be required
3. A solid fence will be required along the property line adjoining Ayden Middle School
4. Landscaping requirements for the Commercial Corridor Overlay District are to be used in addition to all other applicable landscaping requirements

Staff recommends approval of the site plan as submitted. All of these conditions have been noted and the site plan meets all applicable requirements.

At their January 21 meeting, the Planning Board voted unanimously to recommend approval of the site plan.

Action Requested

Consider approval of the site plan for Legacy Park Apartments.

Mayor Tripp was concerned about the completion of the screening around the entire site. Planner Smith said there were protections built in to complete the screening around the entire development area in the event that only part of

the construction phases were completed.

Motion to approve the site plan for Legacy Park Apartments.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

D. Dog Park in District Park

Item Explanation

To review survey results and consider building a Dog Park at the Ayden District Park.

Staff Comments

The Mid East Commission conducted an online survey for Ayden Arts and Recreation from September 27th to November 25th. Enclosed is a copy of the survey results for Board to review.

Enclosed, the Board will find a map of the proposed location of a ½ acre park in the Ayden District Part – just north of the two football fields. ½ acre is comparable to the other dog parks in the region. Estimated cost to erect a four-foot high fence around the park is \$6,580. Included in the dog park amenities is the associated costs for dog waste station and park benches for the first year.

Staff recommends that the Governing Board concur with the Arts & Recreation Commission to approve the location of the dog park and direct staff to provide funding for the park in the upcoming FY20-12 annual budget.

Action Requested

By motion, approve location of dog park in Ayden District Park and provide funding for the park fence and amenities in the upcoming FY20-12 annual budget.

Motion to approve as submitted.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Approved: 5-0

Motion passed unanimously.

E. Participation in Down East Days

Item Explanation

The professional baseball team, Down East Wood Ducks, based out of Kinston are sponsoring "Down East Days" this coming 2020 season. The Wood Ducks propose to have a "Down East Days with the Town of Ayden" on Friday, July

24, 2020. The theme of this game will be "Collard Greens" to include a Collard Green mascot and Collard Green baseball hats. Great opportunity to regionally market Ayden and specifically our "Collard Green Festival".

Staff Comments

The enclosed flyer from the Wood Ducks denotes three sponsoring packages and the recommendation to the Town Board is for the "Grand Slam: Presenting Sponsor" for \$1,000.

This sponsorship level will include an announcement of our Collard Green Festival on the stadium PA speaker for the games of through the weekend of July 24th to July 26th. The package includes stadium video board recognition during the game on July 24th and social media posts, as well as a concourse table, box seats and 50 tickets. Down East Wood Ducks also tell us that we can have local Ayden singer perform the national anthem and Ayden reps throw the "first pitch".

Pat Tripp, Chair of our Collard Green Festival has agreed to pay half, \$500, of the \$1,000 sponsorship fee.

Action Requested

By motion, approve \$500 for half payment on Down East Days with the Town of Ayden.

Motion to approve.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

F. Resolution Authorizing Sale and Issuance of Revenue Bond

Item Explanation

The Board in December 2016 approved and accepted a funding offer from USDA represented by a \$916,000 loan and a \$784,000 grant for replacement of sanitary sewer collection system assets (Res. 17-18-27).

The loan portion, \$916,000 would be funded through the issuance of a revenue bond. A bond anticipation note was approved by the Board in September 2018(Res 18-19-11). The anticipation note has come to maturity and will now be satisfied with the issuance of a revenue bond in the amount of \$916,000.

Board authorization is required to sale and issue the bond.

Staff Comments

The bond carries an interest rate of 1.875% for 40 years. Annual payment will be \$32,755. Bond will be issued February 18, 2020

Action Requested



RESOLUTION 19-20-17

The Board of Commissioners for the Town of Ayden, North Carolina, met in a regular meeting in the District Courtroom, second floor of the Town Hall located at 4144 West Avenue in Ayden, North Carolina, the regular place of meeting, at 7:00 p.m. on February 10, 2020.

Present: Mayor Stephen W. Tripp, presiding, and Commissioners

Absent: Commissioners

Also Present: _____

* * * * *

Robert C. Taylor Jr introduced the following resolution the title of which was read and a copy of which had been previously distributed to each Commissioner:

SERIES RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF A \$916,000 WATER AND SEWER SYSTEM REVENUE BOND, SERIES 2020

BE IT RESOLVED by the Board of Commissioners (the "Board") of the Town of Ayden, North Carolina (the "Town") as follows:

Section 1. The Board has determined and does hereby find and declare as follows:

(a) On July 5, 2007, the Board adopted a bond order (the "Bond Order") authorizing the issuance of water and sewer system revenue bonds of the Town and provides for the issuance from time to time of additional bonds for the purpose of financing improvements to the Town's water and sewer system.

(b) On September 13, 2018, the Board adopted a resolution and order for the issuance of \$916,000 of additional bonds to finance improvements to the water and sewer system. None of

said additional bonds have been issued and there is outstanding a \$916,000 Water and Sewer System Revenue Bond Anticipation Note, Series 2018, dated September 19, 2018 (the "Note"), maturing February 19, 2020, and bearing interest at the rate of 3.07% per annum, which Note was issued under the Bond Order in anticipation of the receipt of the proceeds of the sale of a like amount of said bonds.

(c) It is necessary to issue \$916,000 of said bonds pursuant to the Bond Order at this time, the proceeds of which will be applied, together with other available funds of the Town, to the payment of the principal of and interest on the Note at its maturity.

(d) The maximum period of usefulness of the water and sanitary sewer system improvements to be provided with the proceeds of said bonds authorized hereby is estimated as a period of forty (40) years from February 18, 2020, the anticipated date of said bonds, and such period expires on February 18, 2060.

Section 2. (a) Pursuant to the Bond Order, there shall be initially issued a single registered bond of the Town in the aggregate principal amount of \$916,000, numbered R-1, designated "Water and Sewer System Revenue Bond, Series 2020," dated as of the date of delivery thereof (the "Bond"), maturing in annual installments on the first day of June in the following years and amounts:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
2020	\$16,000	2040	\$23,000
2021	16,000	2041	23,000
2022	16,000	2042	23,000
2023	16,000	2043	24,000
2024	17,000	2044	24,000
2025	17,000	2045	25,000
2026	17,000	2046	25,000
2027	18,000	2047	26,000
2028	18,000	2048	26,000
2029	18,000	2049	27,000
2030	19,000	2050	27,000
2031	19,000	2051	28,000
2032	19,000	2052	28,000
2033	20,000	2053	29,000
2034	20,000	2054	29,000
2035	21,000	2055	30,000
2036	21,000	2056	30,000
2037	21,000	2057	31,000
2038	22,000	2058	32,000
2039	22,000	2059	33,000

and bearing interest on the unpaid part of such principal at a rate of one and eight hundred seventy-five one-thousandths per centum (1.875%) per annum until payment thereof, such

interest to be payable on June 1, 2020, and annually thereafter on the first day of June of each year until paid.

(b) The Bond constitutes an "Additional Bond" within the meaning of the Bond Order.

(c) The Bond shall be sold to the United States of America, acting by and through Rural Development, an agency of the United States Department of Agriculture ("USDA") by private sale in accordance with Sections 8 hereof. The Bond shall not be defeased without written consent of USDA during such time as USDA shall remain the registered owner of the Bond.

(d) The Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (i) authenticated upon an interest payment date in which event it shall bear interest from such interest payment date or (ii) authenticated prior to the first interest payment date in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, the Bond shall bear interest from the date to which interest has been paid.

(e) Payment of interest on the Bond shall be made by the Finance Director of the Town, acting in the capacity of Bond Registrar (as defined in the Bond Order) on each interest payment date to the person appearing on the registration books of the Town hereinafter provided for as the registered owner of the Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by the Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date. During the time that USDA is the registered owner of the Bond, payment of the installments of principal and interest when due and payable on the Bond shall be made at the office of such fiscal agent as USDA shall designate without presentation or surrender thereof and, during any such time as an assignee thereof is the registered owner of the Bond, payment of the installments of principal when due and payable on the Bond shall be made at the office of the Bond Registrar, upon the presentation and surrender thereof, and payment of the interest when due and payable on the Bond shall be made by check mailed to such assignee at his address as it appears on the bond registration books of the Town hereinafter mentioned without the presentation or surrender thereof.

(f) The Bond shall be a special obligation of the Town payable from, and secured by a pledge, charge and lien upon, the Net Revenues (as defined in the Bond Order) to the extent and as provided in the Bond Order and this Series Resolution. Neither the faith and credit nor the taxing power of the Town is pledged to the payment of the principal of or interest on the Bond, and the registered owners of the Bond have no right to compel the exercise of the taxing power of the Town or the forfeiture of any of its property except for the Net Revenues in connection with any default thereon except as provided in the Bond and the Bond Order.

Section 3. The Bond may be redeemed, at the option of the Town, at any time prior to the maturity of any installment of the principal thereof, either in whole or in part in the inverse order of the maturity dates of the installments of principal (or in any other manner agreed to in writing by the registered owner of such Bond), from any moneys that may be made available for such purpose, at the aggregate principal amount of the installments of principal to be redeemed,

together with the accrued interest thereon to the date fixed for redemption, but without any premium.

In case of a redemption of all or any part of the Bond, a notice of redemption shall be sent by registered mail, mailed at least forty (40) days prior to the date fixed for redemption, addressed (a) during the time that USDA is the registered owner of the Bond to be redeemed, to the Finance Office, Rural Development, United States Department of Agriculture, 1530 Market Street, St. Louis, Missouri, 63103, or to such other address as USDA may designate by registered or certified mail forwarded to the Town at least fifty (50) days prior to any redemption date, and (b) during any time as an assignee of USDA is the registered owner of the Bond to be redeemed, to the address as it appears on the registration book of the Town maintained by the Bond Registrar.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, any Bond or part thereof so called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bond or part thereof to be redeemed plus accrued interest thereon to the date fixed for redemption are held at such place as USDA may designate (or, if the Bond shall have been assigned by USDA, at the place of payment specified in the notice of redemption) in trust for such purpose, interest on the Bond or part thereof called for redemption shall cease to accrue, the Bond or part thereof shall cease to be entitled to any benefits or security under the Bond Order or this Series Resolution or to be deemed outstanding, and the registered owners of the Bond or part thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption. If said moneys shall not be so available on the redemption date, the Bond shall continue to bear interest until paid at the same rate as it would have borne had it not been called for redemption.

In the event that an installment of principal of the Bond shall be redeemed, the Bond Registrar shall direct the registered owner thereof to evidence such redemption by appropriate notation on the schedule attached to the Bond for such purpose.

Section 4. The Bond is subject to registration and transfer in the manner set forth in Section 2.05 of the Bond Order. In addition to the Bond Registrar, the Town shall appoint such other registrars, transfer agents, depositories or other agents as may be necessary for the registration, registration of transfer and exchange of bonds within a reasonable time according to then current commercial standards and for the timely payment of installments of principal and interest with respect to the Bond.

Section 5. The Bond shall bear the manual or facsimile signatures of the Mayor or Mayor Pro-Tem and the Town Clerk or any deputy or assistant Town Clerk of the Town, and the official seal or a facsimile of the official seal of the Town shall be impressed or imprinted, as the case may be, on the Bond.

The certificate of the Local Government Commission of North Carolina to be endorsed on the Bond shall bear the manual or facsimile signature of the Secretary of said Commission,

and the certificate of authentication of the Bond Registrar to be endorsed on the Bond shall be executed as hereinafter provided.

In case any officer of the Town or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on the Bond shall cease to be such officer before the delivery of the Bond, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and the Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bond and the endorsements thereon shall be in substantially the following form:

REGISTERED BOND WITHOUT COUPONS

(Registered as to both principal and interest)

No. R-1

§ _____

United States of America
State of North Carolina
County of Greene

TOWN OF AYDEN
WATER AND SEWER SYSTEM REVENUE BOND, SERIES 2020

The Town of Ayden, North Carolina, a municipal corporation duly organized and validly existing under the laws of the State of North Carolina, is justly indebted and for value received hereby promises to pay to the

UNITED STATES OF AMERICA, UNITED STATES
DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT

or registered assigns or legal representative the principal sum of

NINE HUNDRED SIXTEEN THOUSAND DOLLARS

in annual installments on the 1st day of June in the following years and amounts:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
2020	\$16,000	2040	\$23,000

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
2021	16,000	2041	23,000
2022	16,000	2042	23,000
2023	16,000	2043	24,000
2024	17,000	2044	24,000
2025	17,000	2045	25,000
2026	17,000	2046	25,000
2027	18,000	2047	26,000
2028	18,000	2048	26,000
2029	18,000	2049	27,000
2030	19,000	2050	27,000
2031	19,000	2051	28,000
2032	19,000	2052	28,000
2033	20,000	2053	29,000
2034	20,000	2054	29,000
2035	21,000	2055	30,000
2036	21,000	2056	30,000
2037	21,000	2057	31,000
2038	22,000	2058	32,000
2039	22,000	2059	33,000

and to pay interest from the date hereof on the unpaid part of such principal sum at the rate of one and eight hundred seventy-five one-thousandths per centum (1.875%) per annum until payment thereof, such interest to be payable on June 1, 2020, and annually thereafter on the first day of June of each year until paid. The interest so payable on any such interest payment date will be paid to the person in whose name this bond is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date. Both the principal of and the interest on this bond are payable in any coin or currency of the United States of America which, at the respective date of payment thereof, is legal tender for the payment of public and private debts.

During the time that the United States of America is the registered owner of this bond, payment of the installments of principal and interest when due and payable on this bond shall be made at the office of such fiscal agent as the United States of America shall designate without presentation or surrender hereof and, during any such time as an assignee hereof is the registered owner of this bond, payment of the installments of principal when due and payable on this bond shall be made at the office of the Finance Director of the Town, acting in the capacity of Bond Registrar, upon the presentation and surrender hereof, and payment of the interest when due and payable on this bond shall be made by check mailed to such assignee at his address as it appears on the bond registration books of said Town maintained by the Bond Registrar without the presentation or surrender hereof. Upon receipt of said payments of principal and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar hereinafter mentioned, and said Town shall be fully discharged of its obligation on this bond to the extent of

the payment so made. Upon final payment this bond shall be surrendered to the Bond Registrar for cancellation.

This bond is being issued pursuant to and in accordance with the Constitution and laws of the State of North Carolina, including Article 5 of Chapter 159 of the General Statutes of North Carolina, as amended, a bond order adopted by the Board of Commissioners (the "Board") of the Town of Ayden, North Carolina (the "Town") on July 5, 2007 (the "Bond Order"), and a series resolution adopted by the Board on February 10, 2020 (the "Series Resolution"). This bond is being issued for the purpose of providing funds, together with other available funds, to finance or refinance the costs of the Project (as defined in the Bond Order).

This bond is a special obligation of the Town payable solely from the Net Revenues (as defined in the Bond Order). Neither the faith and credit nor the taxing power of the Town is pledged for the payment of the principal of or interest on this bond, and no registered owner of this Bond has the right to compel the exercise of the taxing power by the Town or the forfeiture of any of the Town's property in connection with any default thereon, and the Town is not obligated to pay the principal of or interest on this bond except from Net Revenues. Reference is hereby made to the Bond Order and the Series Resolution and to all amendments and supplements thereto for a description of the provisions, among others, respecting the nature and extent of the security, the rights, duties and obligations of the Town, the rights of the holder of this bond and the terms upon which this bond is issued and secured.

Initially, this bond is registered as to both principal and interest in the name of the United States of America, United States Department of Agriculture, Rural Development on books of said Town kept by the Finance Director of said Town, as Bond Registrar, and the transfer hereof may hereafter be registered by the registered owner hereof only upon an execution of an assignment hereon duly executed by such registered owner or his attorney or legal representative in the manner provided in the Bond Order. Notice of such assignment shall be given promptly by the assignor to the Bond Registrar by registered mail, such notice to be in such form as shall be satisfactory to the Bond Registrar, and upon receipt of such notice this bond shall be registered as to both principal and interest on such registration books in the name of the assignee named in such notice. Any transfer of this bond shall only be made to a bank, insurance company or similar financial institution or to any other entity approved by the Local Government Commission of North Carolina.

Neither the Town nor the Bond Registrar shall be required to make any registration of transfer of this Bond during the fifteen (15) days immediately preceding an interest payment date on this bond or in the case of any proposed redemption of this bond, immediately preceding the date of mailing of notice of such redemption, or after this Bond or any portion thereof has been selected for redemption.

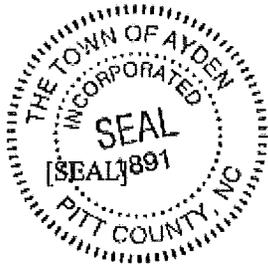
This bond may be redeemed, at the option of the Town, at any time prior to the maturity of any installment of the principal thereof, either in whole or in part in the inverse order of the maturity dates of the installments of principal, from any moneys that may be made available for such purpose, at the aggregate principal amount of the installments of principal to be redeemed,

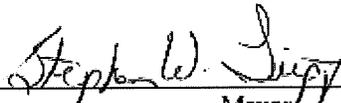
together with the accrued interest thereon to the date fixed for redemption, but without any premium.

On the date fixed for redemption, notice having been given in the manner and under the conditions provided in the Bond Order and the Series Resolution, this bond or part thereof so called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of this bond or part thereof to be redeemed plus accrued interest thereon to the date fixed for redemption are held at such place as USDA may designate (or, if this bond shall have been assigned by USDA, at the place of payment specified in the notice of redemption) in trust for such purpose, interest on this bond or part thereof called for redemption shall cease to accrue, this bond or part thereof shall cease to be entitled to any benefits or security under the Bond Order or the Series Resolution or to be deemed outstanding, and the registered owners of this bond or part thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption. If said moneys shall not be so available on the redemption date, this bond shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption.

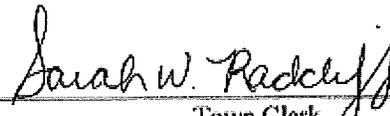
It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required.

IN WITNESS WHEREOF, the Town of Ayden, North Carolina, by resolution duly adopted by the Board of Commissioners of said Town, has caused this bond to be manually signed by its Mayor and its Town Clerk and its official seal to be impressed hereon, all as of the 10th day of February, 2020.





Mayor



Town Clerk

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

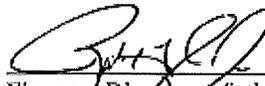
The issuance of the within bond has been approved under the provisions of The State and Local Government Revenue Bond Act of North Carolina.

GREG C. GASKINS
Secretary of the Local Government Commission

By: _____
Designated Assistant

CERTIFICATE OF AUTHENTICATION

This bond is issued under the provisions of the within-mentioned Series Resolution.



Finance Director of the Town of Ayden, North
Carolina, as Bond Registrar

Date of Authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns
and transfers unto _____

_____ the within bond and all rights thereunder and hereby irrevocably constitutes and appoints _____

attorney to register the transfer of said bond on the books kept for registration thereof, with full
power of substitution in the premises.

Dated: _____

In the presence of:

NOTICE: The signature must be guaranteed
by an institution which is a participant in the
Securities Transfer Agent Medallion Program
(STAMP) or similar program.

The signature to this assignment must
correspond with the name as it appears on the
face of the within Bond in every particular,
without alteration of enlargement or any
change whatever.

Section 6. (a) The Town covenants that, to the extent permitted by the Constitution and
laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue
Code of 1986, as amended or as may be amended from time to time (the "Code"), and any

Treasury regulations now or hereafter promulgated thereunder, to the extent necessary so that interest on the Bond will not be included in gross income of the owners of the Bond for purposes of federal income tax.

(b) (i) The Town is a governmental unit with general taxing powers, (ii) the Bond is not a private-activity bond, as defined in the Internal Revenue Code of 1986, as amended (the "Code"), (iii) 95% or more of the net proceeds of the Bond are to be used for local governmental activities of the Town, and (iv) the aggregate face amount of all tax-exempt obligations (other than private activity bonds) issued by the Town and all subordinate entities thereof during calendar year 2020 is not reasonably expected to exceed \$5,000,000 (taking into account the provisions of Section 148 (f)(4)(D)(v) of the Code).

Section 7. The Town reasonably represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Town will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2020. In addition, the Town hereby designates the Bond to be a "qualified tax-exempt obligation" for the purposes of the Code.

Section 8. The Local Government Commission of North Carolina is hereby requested to sell the Bond at private sale pursuant to G.S.159-123 to USDA at a purchase price of \$916,000 and at an interest rate of 1.875% per annum.

Section 9. The Mayor, the Mayor Pro-Tem, the Town Manager, the Finance Director and the Town Clerk or any deputy or assistant Town Clerk of the Town are each hereby authorized and directed to execute and deliver such closing and other documents necessary for the purpose of facilitating the sale and issuance of the Bond in a manner consistent with the terms of the Bond Order and this Series Resolution.

Section 10. This Series Resolution shall take effect upon its passage.

Upon motion of Commissioner Newbold, seconded by Commissioner Langley, the foregoing resolution entitled "SERIES RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF A \$916,000 WATER AND SEWER SYSTEM REVENUE BOND, SERIES 2020" was adopted by the following vote:

Ayes: Commissioner Newbold, Commissioner Giff, Commissioner Langley,
Commissioner Ross, Commissioner Davis

Noes: _____

* * * * *

I, Sarah W. Radcliff, Town Clerk of the Town of Ayden, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Board of Commissioners of said Town at a regular meeting held on February 10, 2020, as relates in any way to the adoption of the foregoing resolution providing for the sale and issuance of a \$916,000 Water and Sewer System Revenue Bond, Series 2020 of said Town.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said Town this 10th day of February, 2020.



Sarah W. Radcliff
Town Clerk

Motion to approve the resolution.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Approved: 5-0

Motion passed unanimously.

VII. ITEMS FOR DISCUSSION

A. Discussion of Deposits for Commercial Customers

Item Explanation

This discussion held over from January 13, 2020 Town Board meeting:

Enclosed is a copy of the deposit requirements in the Town Board's adopted Fee Schedule in the FY19-20 Annual Budget.

Staff Comments

The Town Board has discussed the possibility of the refund of a commercial customer's deposit after 12 months of on time payment as we do with residential customers - the refund is in the form of applying the deposit against the current month's bill. Additionally, it was discussed the possibility of allowing commercial customers to use a letter of credit in lieu of a deposit, again similar to residential customers. Lastly, it was discussed whether or not a commercial customer could provide a credit card number in lieu of a cash deposit. Ayden's deposit fees are enclosed.

As a matter of comparison with the other public power communities in Pitt County, Greenville Utilities Commission (GUC), Winterville and Farmville were contacted as to their policies on commercial deposits.

GUC Utilities' Collection Office was contacted and its deposit policy is enclosed and requires a two (2) months' average bill deposit, as estimated by the Commission. After six (6) months, at the customer's request, the Commission will review the customers pay history and a partial refund of the deposit may be appropriate based on good pay performance. GUC staff reported that generally the partial refund is equivalent to one month's bill or half the original required two (2) months' average bill deposit. Further, although not in the written policy, GUC staff stated that when requested they will review a letter of credit from a commercial customer in lieu of a deposit - this review takes into account the type of business, average monthly bill, etc. Generally, large commercial customers with large utilities' use will be required to continue a cash deposit. GUC staff said about only one in ten (10) letters of credit are accepted for commercial customers. When asked, GUC staff reported they do not accept credit card numbers in lieu of a deposit, citing that they use an outside vendor for all credit card payments and do not maintain credit card numbers, and its staff added they likely wouldn't even have decided to keep credit card numbers in lieu of deposit as a credit card could be cancelled.

Winterville's adopted Fee Schedule with deposits is enclosed. Winterville requires a two (2) month deposit of \$300 for commercial customers - its deposit is not based on actual average usage and Winterville staff reported that a letter of credit in lieu of the deposit is not afforded commercial customers. Its staff also reported that commercial customers' deposits are not refundable and that they do not accept credit card numbers in lieu of a deposit.

Farmville reports that they do not charge a deposit initially for commercial customers. If a commercial customer pays late twice in a twelve (12) month period, then the customer is required to make a \$420 deposit.

Action on changing/amending commercial deposits would require a budget ordinance amendment. Staff recommendation is that any changes/amendments that the Town Board wishes to make could be brought back to the

Town Board's March 9, 2020 meeting for consideration. Another option might be to take this up as part of the Town Board's preparation of its FY20-21 Annual Budget at the Board's scheduled budget workshops this April.

Action Requested

As the Town Board directs.

The manager suggested holding the discussion of deposits for commercial customers for the budget workshops. The board was in agreement.

VIII. INFORMATION

A. Staff Departmental Reports

IX. BOARD MEMBER COMMENTS

X. 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.

- B. 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 to enter into closed session at 8:45pm.

Motion: Commissioner Ross

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to enter back into open session at 9:06pm.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Approved: 5-0

Motion passed unanimously.

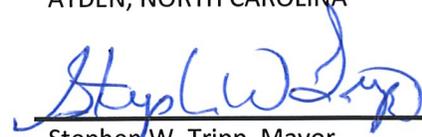
XI. ADJOURNMENT

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 9:06pm.

CERTIFICATION

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

AYDEN, NORTH CAROLINA



Stephen W. Tripp, Mayor



Sarah W. Radcliff, Town Clerk

