



**TOWN OF AYDEN  
GOVERNING BOARD MEETING  
MINUTES**

May 11, 2020 - 7:00 PM  
Remote Meeting via Zoom

I. CALL TO ORDER

A. Call to order

Mayor Tripp called the meeting to order at 7pm.

B. Roll Call

Present:

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

Absent:

None

Also Present:

Steven Harrell - Town Manager

Sarah Radcliff - Town Clerk

Scott Dixon - Town Attorney

C. Welcome Visitors/Protocol for Public Comment

D. Invocation

E. Pledge of Allegiance

F. Approval of the Agenda

Motion to approve the agenda.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Vote: Mayor Pro-tem Mewborn: Yes

Commissioner Goff: Yes

Commissioner Ross: Yes

Commissioner Langley: Yes

Approved: 4-0 \*Commissioner Davis was not present at this time.

Motion passed unanimously.

II. PUBLIC COMMENTS

There were no public comments.

III. PUBLIC HEARING

A. Major Preliminary Plat (Country Club Creek) - Quasi-Judicial Hearing

Clerk Radcliff swore in Planning Director Stephen Smith, Dwight Vernelson and Donald Kinney. Mr. Smith presented to the Board.

**Item Explanation**

The Town has received a request for approval for a Revised Preliminary Plat submitted by Rivers and Associates. The submitted Revised Preliminary Plat depicts 128 lots on 86.94 acres on Ayden Golf Club Rd with an additional 7150 feet of new public roads. (Pitt County Parcel #s 84408, 77031).

This plat was previously approved in June 2018. The total approved lots at the time was 100. The street layout has not changed. With the changes to the lot size requirements in our Unified Development Ordinance, 28 additional lots were added.

**Staff Comments**

The property is located within the Town's City Limits and is currently zoned R-12 (Residential) and CON (Conservation). Water is provided to the site by Eastern Pines and Sewer and Electric are available to the site provided by the Town of Ayden.

The development is dedicating 1.31 acres for usable open space with an additional 34.19 acres being reserved as natural open space.

This plan has been reviewed by Pitt County Schools and they have no comments.

This plan has been reviewed by Pitt County Addressing and all proposed road names have been approved.

This plan has been reviewed by NCDOT. A turn lane is required to be installed on Ayden Golf Club Rd.

Stormwater was previously reviewed and approved by McDavid and Associates. The existing stormwater plan will accommodate the addition of 28 lots.

Staff has reviewed the submitted Revised Preliminary Plat and has found it to meet all applicable requirements of the

Town's Unified Development Ordinance. As such, staff recommends approval of the Revised Preliminary Plat for Country Club Creek, Phases 1-4.

At its April 20, 2020 meeting, the Planning Board voted unanimously to recommend approval of the Revised Preliminary Plat for Country Club Creek, Phases 1-4.

**Action Requested**

Conduct a Quasi-judicial Hearing. Motion to approve or deny the Revised Preliminary Plat for Country Club Creek, Phases 1-4.

Mayor Pro-tem Mewborn asked where the turn lane would be installed. Mr. Smith said it would be installed between Fairway Road and Mulligan Drive.

Mr. Donald Kinney stated he has two points that he wanted clarification for. One is in regards to the existing power lines that come into his farm that are on the property to be developed. He asked if those poles would stay there or if the configuration was going to change. Second, he stated he, Mr. Evans and Mr. Vernelson had agreed some time ago to put in a road to the farm, being the existing road belongs to the developers. Mr. Kinney said he had estimates for getting the new road and wanted to know who he should get those to.

Mr. Vernelson told Mr. Kinney to get the information to him and he would get it to Mr. Evans. Manager Harrell asked Public Works Director Keith Murphy to address the power line question. Mr. Murphy stated the lines would probably stay there but the poles will probably move according to the property line.

Mr. Kinney said he had been very pleased with everything and hopes everything goes as planned. Mr. Vernelson said the only thing changing is the number of lots, everything else stayed the same.

Mr. Kinney asked when Phase 1 will begin. Mr. Vernelson said they would like to start as soon as possible, after the construction drawings are revised and approved.

With no further comments, Mayor Tripp closed the hearing.

Mayor Tripp read the Findings of Fact:

1. The submitted major preliminary plat complies with all applicable provisions of the Unified Development Ordinance. Vote: Mayor Pro-tem Mewborn: Yes; Commissioner Goff: Yes; Commissioner Ross: Yes; Commissioner Langley: Yes (Commissioner Davis was not yet in attendance)
2. The submitted major preliminary plat provides adequate infrastructure to support the plan as proposed; Vote: Mayor Pro-tem Mewborn: Yes; Commissioner Goff: Yes; Commissioner Ross: Yes; Commissioner Langley: Yes (Commissioner Davis was not yet in attendance)
3. The submitted major preliminary plat will not be detrimental to the use or development of adjacent properties. Vote: Mayor Pro-tem Mewborn: Yes; Commissioner Goff: Yes; Commissioner Ross: Yes; Commissioner Langley: Yes (Commissioner Davis was not yet in attendance)

Motion to approve the request.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Goff

Discussion: None

Vote: Mayor Pro-tem Mewborn: Yes

Commissioner Goff: Yes

Commissioner Ross: Yes

Commissioner Langley: Yes

\*Commissioner Davis arrived in the middle of the hearing so he did not vote on this matter.

Approved: 4-0

Motion passed unanimously.

B. Major Preliminary Plat (Montevallo) - Quasi-judicial Hearing

Clerk Radcliff swore in Michael W. Baldwin. Mr. Smith was previously sworn in.

**Item Explanation**

The Town has received a request for approval for a Preliminary Plat submitted by Baldwin and Associates. The submitted Preliminary Plat depicts 193 lots on 110.035 acres on Ayden Golf Club Rd with an additional 8143 feet of new public roads. (Pitt County Parcel # 04933).

**Staff Comments**

The property is located within the Town's City Limits and is currently zoned RMX (Residential Mixed Use), R-10 (Residential) and CON (Conservation). Water is provided to the site by Eastern Pines and Sewer and Electric are available to the site provided by the Town of Ayden.

The development is dedicating 2.2 acres for useable open space with an additional 40.467 acres being reserved as natural open space.

This plan has been reviewed by Pitt County Schools and they have no comments.

This plan has been reviewed by Pitt County Addressing and all proposed road names have been approved.

This plan has been reviewed by NCDOT. Turn lanes are required to be installed on Ayden Golf Club Rd.

The applicant is proposing a low-density stormwater plan. Calculations and design criteria have been reviewed and approved by McDavid and Associates.

Staff has reviewed the submitted Preliminary Plat and has found it to meet all applicable requirements of the Town's Unified Development Ordinance. As such, staff recommends approval of the Preliminary Plat for Montevallo

At its April 20, 2020 meeting, the Planning Board voted unanimously to recommend conditional approval of the Preliminary Plat for Montevallo. All conditions/corrections have been completed.

**Action Requested**

Conduct a Quasi-judicial Hearing. Motion to approve or deny the Revised Preliminary Plat for Montevallo.

Michael Baldwin spoke in favor of the request on behalf of Leo Venters.  
With no further comments, Mayor Tripp closed the hearing.

Mayor Tripp read the Findings of Fact:

1. The submitted major preliminary plat complies with all applicable provisions of the Unified Development Ordinance.  
Vote: Mayor Pro-tem Mewborn: Yes; Commissioner Goff: Yes; Commissioner Ross: Yes; Commissioner Langley: Yes;  
Commissioner Davis: Yes
2. The submitted major preliminary plat provides adequate infrastructure to support the plan as proposed; Vote:  
Mayor Pro-tem Mewborn: Yes; Commissioner Goff: Yes; Commissioner Ross: Yes; Commissioner Langley:  
Yes; Commissioner Davis: Yes
3. The submitted major preliminary plat will not be detrimental to the use or development of adjacent properties.  
Vote: Mayor Pro-tem Mewborn: Yes; Commissioner Goff: Yes; Commissioner Ross: Yes; Commissioner Langley:  
Yes; Commissioner Davis: Yes

Motion to approve the request.

Motion: Mayor Pro-tem Mewborn  
Second: Commissioner Langley  
Discussion: None  
Vote: Mayor Pro-tem Mewborn: Yes  
Commissioner Goff: Yes  
Commissioner Ross: Yes  
Commissioner Langley: Yes  
Commissioner Davis: Yes  
Approved: 5-0  
Motion passed unanimously.

C. Major Preliminary Plat (East Ridge, Section 2) - Quasi-Judicial Hearing

Clerk Radcliff previously swore in Michael W. Baldwin and Stephen Smith.

**Item Explanation**

The Town has received a request for approval for a Preliminary Plat submitted by Baldwin and Associates. The submitted Revised Preliminary Plat depicts 305 lots on 156.416 acres on Ayden Golf Club Rd with an additional 16,680 feet of new public roads. (Pitt County Parcels # 14923 and 28404).

**Staff Comments**

The property is located within the Town's ETJ and is currently zoned R-10 (Residential). Water is provided to the site by Eastern Pines and Sewer (future) and Electric are available to the site provided by the Town of Ayden.

This property is scheduled to be served by a sewer line extension currently being planned by the Town.

This property will require annexation prior to final approval.

Approximately 4.125 acres of useable open space is proposed.

This plan has been reviewed by Pitt County Schools and they have no comments.

This plan has been reviewed by Pitt County Addressing and all proposed road names have been approved.

This plan has been reviewed by NCDOT. Turn lanes are required to be installed on Ayden Golf Club Rd.

The applicant is proposing a low-density stormwater plan. Calculations and design criteria will need to be confirmed/approved by McDavid and Associates prior to preliminary approval.

Staff has reviewed the submitted Preliminary Plat and has found it to conditionally meet all applicable requirements of the Town's Unified Development Ordinance. The stormwater calculations and design criteria need to be approved by McDavid and Associates prior to preliminary approval. As such, staff recommends conditional approval of the Preliminary Plat for East Ridge, Section 2.

At its April 20, 2020 meeting, the Planning Board voted unanimously to recommend conditional approval of the Preliminary Plat for East Ridge, Section 2.

**Action Requested**

Conduct a Quasi-judicial Hearing. Motion to approve or deny the Revised Preliminary Plat for East Ridge, Section 2.

Michael Baldwin spoke in favor of the request on behalf of Mr. Venters.

With no further comments, Mayor Tripp closed the hearing.

Mayor Tripp read the Findings of Fact:

1. The submitted major preliminary plat complies with all applicable provisions of the Unified Development Ordinance. Vote: Mayor Pro-tem Mewborn: Yes; Commissioner Goff: Yes; Commissioner Ross: Yes; Commissioner Langley: Yes; Commissioner Davis: Yes
2. The submitted major preliminary plat provides adequate infrastructure to support the plan as proposed; Vote: Mayor Pro-tem Mewborn: Yes; Commissioner Goff: Yes; Commissioner Ross: Yes; Commissioner Langley: Yes; Commissioner Davis: Yes
3. The submitted major preliminary plat will not be detrimental to the use or development of adjacent properties. Vote: Mayor Pro-tem Mewborn: Yes; Commissioner Goff: Yes; Commissioner Ross: Yes; Commissioner Langley: Yes; Commissioner Davis: Yes

Motion to approve the request with the condition that the stormwater calculations and design criteria need to be approved by McDavid Associates prior to preliminary approval.

Motion: Commissioner Goff

Second: Mayor Pro-tem Mewborn

Discussion: None

Vote: Mayor Pro-tem Mewborn: Yes

Commissioner Goff: Yes

Commissioner Ross: Yes

Commissioner Langley: Yes

Commissioner Davis: Yes

Approved: 5-0

Motion passed unanimously.

Brandon Robertson, manager for Ayden Golf and Country Club, asked if there were any plans for a caution light around the club. He said there was some concern with the increase in traffic for the golfers and children in the area that frequently cross the road. Mayor Tripp stated there would be traffic calming discussions in the future for that area and thanked him for his involvement.

IV. CONSENT AGENDA

- A. Minutes from the February 3, 2020, February 10, 2020, February 24, 2020, March 9, 2020 and March 25, 2020 Board Meetings
  
- B. 2019 CDBG-Infrastructure (CDBG-I) Funding Startup Board Approvals

**Item Explanation**

The Town of Ayden has received notification from the Division of Water Infrastructure the Town will received \$1,000,000 of grant funds for sanitary sewer replacement in Town.

The Board needs to adopt / approve the following three items to initiate the program

1. Resolution to accept the CDBG-I funding
2. Project Budget Ordinance
3. Compliance Plans & Policies Package

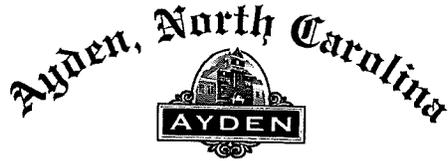
(the Town has Compliance Plans currently in place for the 2016 CDBG-I and 2018 CDBG-NR programs.)

**Staff Comments**

The Town Board approved very similar items for the 2015 & 2016 CDBG-I and 2018 CDBG-NR programs. Staff recommends adoption/approval of the startup items for the new 2019 CDBG-I funding.

**Action Requested**

1. Approve the attached Resolution accepting the 2019 CDBG-I funding
2. Approve the attached Budget for the 2019 CDBG-I funding
3. Adopt the attached Compliance Plans and Policies Package



**RESOLUTION NO. 19-20-21  
RESOLUTION BY THE BOARD OF COMMISSIONERS  
OF THE  
TOWN OF AYDEN  
2019 CDBG-INFRASTRUCTURE (CDBG-I) PROGRAM**

**WHEREAS**, Ayden has the need for replacement of sanitary sewer collection lines, and;

**WHEREAS**, Ayden has applied for funding from the State of North Carolina under the 2019 CDBG I Program, and;

**WHEREAS**, Ayden has been offered a \$1,000,000 grant under the 2019 CDBG I Program, and;

**NOW, THEREFORE, BE IT RESOLVED**, by the Ayden Board of Commissioners, Ayden hereby accepts the State of North Carolina Small Cities Community Development Block Grant offer of \$1,000,000;

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

Adopted this 11<sup>th</sup> day of May, 2020, at Ayden, North Carolina.

\_\_\_\_\_  
Stephen W. Tripp  
Mayor

ATTEST:

\_\_\_\_\_  
Sarah W. Radcliff  
Town Clerk



**ORDINANCE NO. 19-20-23  
GRANT PROGRAM BUDGET**

**AYDEN 2019 CDBG INFRASTRUCTURE PROGRAM**

**BE IT ORDAINED BY** the Board of Commissioners of the Town of Ayden, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, Ayden adopts the following Grant Program Budget:

Section 1. The Program authorized is the Community Development Block Grant Infrastructure (CDBG-I) described in the work statement contained in the Letter of Intent between this unit and the State of North Carolina. This project is more familiarly known as the Ayden 2019 CDBG-I Program.

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

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

Community Development Funds	\$	1,000,000
Town Contribution		0
	TOTAL \$	<u>1,000,000</u>

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

Sewer Improvements	904,000
Administration	96,000
	TOTAL \$ <u>1,000,000</u>

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

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

Adopted this 11<sup>th</sup> day of May, 2020.

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Stephen W. Tripp

Mayor

ATTEST:

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Sarah W. Radcliff

Town Clerk

C. AHA Charge-offs

**Item Explanation**

Unpaid balances negatively impact AHA ending balances.

**Staff Comments**

Thirteen (13) former tenants have accounts in bad standing. These accounts need to be charged off. AHA will present these accounts to NC Debt Setoff for restitution. These evictions were pre-COVID-19.

**Action Requested**

By motion, approve charges offs as provided.

D. Approve Amended AHA FY2019-2020 Annual Budget

**Item Explanation**

HUD requires housing authorities to make and approve fiscal year estimated year-end annual budget amendments.

**Staff Comments**

Attached is FY2019-2020 year end estimated budget amendments for Ayden Housing Authority.

**Action Requested**

By motion, approve FY2019-2020 AHA Annual Budget Amendments.

**PHA Board Resolution**  
Approving Operating Budget

**U.S. Department of Housing  
and Urban Development**  
Office of Public and Indian Housing -  
Real Estate Assessment Center (PIH-REAC)

OMB No. 2557-0026  
(exp. 10/31/2009)

**AMENDED BUDGET  
FYE 06/30/2020**

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to respond to complete this form, unless it displays a valid OMB control number.

This information is required by Section 6(c)(4) of the U.S. Housing Act of 1937. The information is the operating budget for the low-income housing program and provides a summary of proposed/budgeted receipts and expenditures, approval of budgeted receipts and expenditures, and justification of certain specified amounts. HUD reviews the information to determine if the operating plan adopted by the public housing agency (PHA) and the amounts are reasonable and that the PHA is in compliance with procedures prescribed by HUD. Responses are required to obtain benefits. This information does not lend itself to confidentiality.

PHA Name: AYDEN HOUSING AUTHORITY

PHA Code: NC082

PHA Fiscal Year Beginning: JULY 1, 2019

Board Resolution Number: \_\_\_\_\_

Acting on behalf of the Board of Commissioners of the above-named PHA as its Chairperson, I make the following certifications and agreement to the Department of Housing and Urban Development (HUD) regarding the Board's approval of (check one or more as applicable):

DATE

- Operating Budget approved by Board resolution on: \_\_\_\_\_
- Operating Budget submitted to HUD, if applicable, on: \_\_\_\_\_
- Operating Budget revision approved by Board resolution on: \_\_\_\_\_
- Operating Budget revision submitted to HUD, if applicable, on: \_\_\_\_\_

I certify on behalf of the above-named PHA that:

1. All regulatory and statutory requirements have been met;
2. The PHA has sufficient operating reserves to meet the working capital needs of its developments;
3. Proposed budget expenditures are necessary in the efficient and economical operation of the housing for the purpose of serving low-income residents;
4. The budget indicates a source of funds adequate to cover all proposed expenditures;
5. The PHA will comply with the wage rate requirement under 24 CFR 968.110(c) and (f); and
6. The PHA will comply with the requirements for access to records and audits under 24 CFR 968.110(j).

I hereby certify that all the information stated within, as well as any information provided in the accompaniment herewith, if applicable, is true and accurate.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012.31, U.S.C 3729 and 3802)

Print Board Chairperson's Name:	Signature:	Date:

E. Approve One Year Extension on AHA Accounting Services Contract

**Item Explanation**

Accounting services for AHA are provided by Brenton D. Umphlett, CPA. His CPA firm has been providing AHA accounting services for years and provides excellent service.

**Staff Comments**

Staff recommends approval of attached Accounting Services Extension Agreement with Brenton D. Umphlett, CPA. Contract is for one year extension from July 1, 2020 to June 30, 2021.

**Action Requested**

By motion, approve Accounting Services Extension Contract.

F. Ordinance for Demolition of a Dwelling - 4274 West Avenue

**Item Explanation**

As evidenced in the attached material, 474 West Avenue (PN 17015) 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 February 26, 2020 and found continued deterioration of the structure. As required, Mr. Hardee sent notice to the property owner, Peggy Larkins, and scheduled a hearing for March 30, 2020 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 March 30, 2020. 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 19-20-21 Demolition of Dwelling at 4274 West Avenue.



ORDINANCE NO. 19-20-21  
AN ORDINANCE ADOPTED BY THE AYDEN GOVERING BOARD  
REQUIRING THE OWNER TO DEMOLISH AND REMOVE  
THE DWELLING LOCATED AT 4274 WEST AVE (Pitt Co. Parcel #17015)  
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 **March 30, 2020**, at which time the Code Enforcement Officer found that the property in question constitutes a fire or safety hazard or is dangerous to life, health, or other property to the community and should as a result be demolished, and that it is likely that repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to its value such that removal or demolition of the dwelling is warranted under the provisions of NCGS 160A-443 ; and

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

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

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

1. The Town Manager or his designee is hereby authorized and directed to proceed to demolish and remove the dwelling owned by Elaine Barfield, **4274 West Ave, Ayden NC 28513**, said property located at 4274 West Ave, Ayden; and
2. The cost of demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the NC General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal and demolition and any balance remaining shall be deposited in Superior Court where it shall be secured and disbursed in the manner provided by NCGS 160A-443 (6); and
3. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the Grantor Index; and
4. This ordinance shall become effective upon its adoption.

Adopted this the 11th day May, 2020.

\_\_\_\_\_  
Stephen W. Tripp, Mayor

Attest:

\_\_\_\_\_  
Sarah W. Radcliff, Town Clerk

G. NC 102 Sanitary Sewer Extension – East Avenue Waterline Replacement

**Item Explanation**

The Town has previously approved the extension of gravity sewer collection assets from the Ayden Golf and Country Club to the north to provide access to central sewer to the NC 102 corridor which includes annexed property to be East Ridge Subdivision being developed by Leo Venters and annexed property currently owned by Colonial Acre Farms, LLC.

The Town has previously approved replacement of waterline along East Avenue (between NC 102/Third Street and 6th Street) due to poor water quality issues.

A capital project budget is needed to formally allocate funds for the proposed sewer extension and waterline replacement projects.

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

1. Ordinance establishing capital project budget ordinance
2. Itemized preliminary cost estimate to extend sewer from the Ayden Golf and Country Club northward to serve the NC 102 corridor and East Ridge Subdivision
3. Itemized preliminary cost estimate to replace the waterline along East Avenue

Final plans for the sanitary sewer extension are under development and will be completed in May 2020. This project will need to be formally bid for construction.

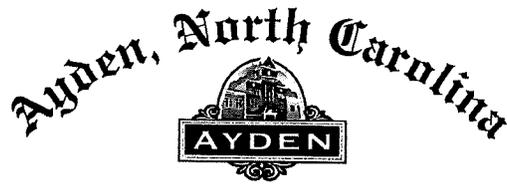
Final plans for waterline replacement are complete and have been provided to Tripp Bro's, Inc. for pricing to be considered to incorporate into an open utility construction contract (by change order) in an effort to move forward with construction. Some delays have been experienced as the NC Department of Transportation (East Avenue and NC 102 are NCDOT roads) has required design changes. The project also involves effort to avoid conflict with an existing railroad rights-of-way and defined perineal stream (culvert crossing at Boulevard Street).

#### **Staff Comments**

McDavid Associates, Inc. will be available to answer any questions from the Board.

#### **Action Requested**

By motion, approve establishing Capital Project Budget Ordinance for NC102 Sanitary Sewer Line and East Ave. Waterline.



**ORDINANCE NO. 19-20-22  
ESTABLISHING CAPITAL PROJECT BUDGET ORDINANCE  
2020 SANITARY SEWER EXTENSION AND WATERLINE REPLACEMENT  
TOWN OF AYDEN**

**WHEREAS,** the Town of Ayden desires to extend gravity sewer collection assets from existing facilities located at the Ayden Golf and Country Club to the north to provide access to provide access to central sewer to properties along the NC 102 corridor to include annexed property being developed as the East Ridge Subdivision, and,

**WHEREAS,** the Town of Ayden desires to replace aged small diameter waterlines along East Avenue from NC 102/Third Street southward to 6<sup>th</sup> Street to eliminate existing poor water quality conditions,

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF AYDEN:**

That the attached project budget is hereby approved.

Adopted this the 11th day of May, 2020 at Ayden, North Carolina.

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

(SEAL)

ATTEST:

\_\_\_\_\_  
Sarah W. Radcliff  
Town Clerk

2020 SANITARY SEWER EXTENSION AND WATERLINE REPLACEMENT  
TOWN OF AYDEN

	PROPOSED BUDGET	CHANGES THIS AMENDMENT	REVISED BUDGET
<b><u>REVENUES</u></b>			
Town of Ayden (Powell Bill Proceeds)	\$2,369,350.00	\$0.00	\$2,369,350.00
Sales Tax Refund	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<b>TOTAL REVENUES</b>	<b>\$2,369,350.00</b>	<b>\$0.00</b>	<b>\$2,369,350.00</b>
<b><u>EXPENSES</u></b>			
<b><u>Part A - Sanitary Sewer Extension</u></b>			
Construction	\$1,695,175.00	\$0.00	\$1,695,175.00
Contingency	\$168,995.00	\$0.00	\$168,995.00
Engineering Design	\$152,600.00	\$0.00	\$152,600.00
Construction Administration	\$88,250.00	\$0.00	\$88,250.00
Construction Observation	\$99,330.00	\$0.00	\$99,330.00
Easement Acquisition	\$5,000.00	\$0.00	\$5,000.00
Legal	<u>\$5,000.00</u>	<u>\$0.00</u>	<u>\$5,000.00</u>
Subtotal Part A	\$2,214,350.00	\$0.00	\$2,214,350.00
<b><u>Part B - Waterline Replacement</u></b>			
Construction	\$122,900.00	\$0.00	\$122,900.00
Contingency	\$12,300.00	\$0.00	\$12,300.00
Engineering Design	\$11,100.00	\$0.00	\$11,100.00
Additional Services	\$700.00	\$0.00	\$700.00
Construction Administration	\$3,500.00	\$0.00	\$3,500.00
Construction Observation	\$3,500.00	\$0.00	\$3,500.00
Legal	<u>\$1,000.00</u>	<u>\$0.00</u>	<u>\$1,000.00</u>
Subtotal Part B	<u>\$155,000.00</u>	<u>\$0.00</u>	<u>\$155,000.00</u>
<b>TOTAL EXPENSES</b>	<b>\$2,369,350.00</b>	<b>\$0.00</b>	<b>\$2,369,350.00</b>

Motion to approve the consent agenda.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Ross

Discussion: None

Vote: Mayor Pro-tem Mewborn: Yes

Commissioner Goff: Yes

Commissioner Ross: Yes

Commissioner Langley: Yes

Commissioner Davis: Yes

Approved: 5-0

Motion passed unanimously.

V. ACTION ITEMS

A. Consideration of Discount on Electric Bills for Months of April and May, 2020

Manager Harrell presented to the Board.

**Item Explanation**

Town Board wants to consider discount on electric customers April and May, 2020, bills in response to COVID-19 relief. Staff has developed two scenarios for Town Board's consideration.

**Staff Comments**

First scenario contemplates discounts of 10% residential, 7.5% commercial, and 5% industrial. This will generate approximately \$137,577 in loss revenue or equivalent of a 1.2% loss in our annual electric revenues.

Second scenario contemplates discounts of 10% residential, 10% commercial and 5% industrial. This will generate approximately \$149,106 in loss revenue or equivalent of a 1.3% loss in our annual electric revenues.

We have only one customer on industrial rate, Weyerhaeuser, which accounts for about 1/3 of kWh sold or about 1/4 of electric revenues collected. So, extending Weyerhaeuser a 10% rate reduction for the months of April and May would be \$37,288 in loss revenue. That would increase the loss revenue above to \$156,221 and \$167,750, respectively. Put another way, means a 1.4% annual revenue loss and a 1.5% revenue loss, respectively. That why we have only proposed a 5% rate discount to Weyerhaeuser.

As a comparison with the Town of Winterville, which effected a 10% electric rate discount for all its customers for April and May, it has some 4,600 customers compared to our 4,000 and its largest electric customer is only about 10% to 15% of its electric load according to its Town Manager. Weyerhaeuser, as noted above, is about 33% of our load, 2 to 3 times Winterville's largest customer.

Lastly, for tonight's Town Board meeting, there is an agenda item recommending a 1% reduction in electric rates to reflect the 1% reduction in purchased power costs that we experienced from the Power Agency effective April 1, 2020. Added to the two (2) scenarios above, this amounts to a 2.2% and 2.3% annual rate reduction respectively, depending on which scenario is chosen.

**Action Requested**

At Town Board direction.

Mayor Pro-tem Mewborn asked how much Weyerhaeuser has been impacted by the virus. Manager Harrell stated they had a 12% decrease for the month of April in KWH. He said the month of April is historically their low month. May numbers are not available yet and would give us a better idea. Mayor Pro-tem Mewborn stated he liked the 1st scenario but is concerned about the rebate we already gave back in September. Manager Harrell said that was separate and apart from this. Commissioner Ross asked what was the loss of revenue from other sources. Manager Harrell stated we are projecting a 5% loss in sales tax revenue and a lower collection rate for property taxes. Commissioner Langley asked if the projections were based on the fact that COVID-19 was allowing later payment of those items. Manager Harrell said we are just trying to be conservative. Mayor Tripp said we have several different rates to fit the market so we can be competitive. He said this is a good way to help those who may be suffering due to the current conditions in our country. Mayor Tripp said he would recommend the 2nd scenario since some of our commercial

businesses have been shut down.

Motion to approve scenario 1.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Vote: Mayor Pro-tem Mewborn: Yes

Commissioner Goff: Yes

Commissioner Ross: Yes

Commissioner Langley: Yes

Commissioner Davis: Yes

Approved: 5-0

Motion passed unanimously.

- B. Approve Reduction of Electric Rates by 1%

**Item Explanation**

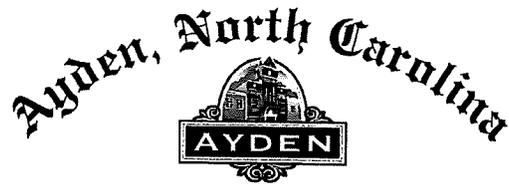
Effective April 1, 2020, the Town's purchased power costs from the N.C. Eastern Municipal Power Agency were reduced by 1% by the Electricities Board of Directors.

**Staff Comments**

Enclosed is an ordinance reducing all customer class electric rates by 1% effective May 12, 2020.

**Action Requested**

By motion, adopt ordinance reducing Town's electric rates by 1%.



ORDINANCE NO. 19-20-20  
ONE PERCENT REDUCTION IN ELECTRIC RATES

**WHEREAS**, the Town of Ayden has received a 1% reduction in purchased power costs from the North Carolina Eastern Municipal Power Agency effective April 1, 2020;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Town of Ayden that each electric customer class rates be reduced by 1% effective May 12, 2020.

Adopted this the 11<sup>th</sup> day of May, 2020, in Ayden, North Carolina.

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

ATTEST:

\_\_\_\_\_  
Sarah W. Radcliff, Town Clerk

Motion to approve as presented.

Motion: Commissioner Langley

Second: Commissioner Goff

Discussion: None

Vote: Mayor Pro-tem Mewborn: Yes

Commissioner Goff: Yes

Commissioner Ross: Yes

Commissioner Langley: Yes

Commissioner Davis: Yes

Approved: 5-0

Motion passed unanimously.

- C. Approval of Retroactive Use of Federal Families First Coronavirus Response Act (FFCRA) Leave, Essential Employees Use of FFCRA Leave and Employees' Use of Earned Paid Sick Leave for FFCRA Category 5 Emergency Sick Leave'

Manager Harrell presented to the Board.

**Item Explanation**

Congress has passed the Families First Coronavirus Response Act (FFCRA) in March 18th. Purpose is to require government employers to provide 80 hours of emergency paid sick leave for employees during COVID-19 and to also allow FMLA leave to be used for COVID-19.

The 80 hours of FFCRA emergency paid sick leave is in addition to any earned paid sick leave the employee might have - the FFCRA 80 hours must be used first by the employee. Reasons for use of this emergency paid sick leave are:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by their healthcare provider to self-quarantine because they are infected with or have been exposed to COVID-19 or because they are at high risk of complications from COVID-19;
3. The employee is showing symptoms of COVID-19 and is seeking but has not yet received a medical diagnosis;
4. The employee is caring for someone subject to a federal, state or local quarantine or isolation order related to COVID-19 or who has been advised by their healthcare provider to self-quarantine for COVID-19 related reasons; or
5. The employee is caring for his or her son or daughter because the child's school or childcare facility has been closed or the childcare provider is no longer available because of a COVID-19 related reason.

This FFCRA emergency paid sick leave and FMLA leave under the act does not apply to employees in essential positions - it is employer's choice to allow its essential employees to make use of this leave. Essential employees in local government are those in public safety positions, public works, and public utilities and any employees whose position is needed in support of these.

**Staff Comments**

The FFCRA, as issued and interpreted by local governments ran the gamut, until the UNC School of Government aired an electronic workshop on March 31, where town staff first learned that the effective date of the act was April 1, 2020. Town staff had begun allowing the use of the emergency paid sick leave, when we learned of this leave two weeks prior to April 1, 2020. Two employees used it due to doctor's orders that they had underlying health conditions that should not be exposed to COVID-19 and one used it for child care, when the schools shut down. As staff did not learn of the effective date of the FFCRA until March 31st, staff recommends that the aforementioned employees be allowed use of the emergency paid sick leave retroactively, otherwise, they will have to use their own earned paid leave.

Additionally, staff recommends that employees in essential positions be approved for use of the FFCRA emergency paid sick leave and FMLA. Without this, virtually every position of the Town staff would be ineligible for this needed leave during COVID-19.

Lastly, due to the nature of this COVID-19 pandemic, staff recommends employees be allowed to use earned paid sick leave for the fifth category of the FFCRA for emergency sick leave:

**5. The employee is caring for his or her son or daughter because the child’s school or childcare facility has been closed or the childcare provider is no longer available because of a COVID-19 related reason.**

This FFCRA mandated category only requires the payment of 2/3 of an employee's salary. Employees under the Town's current policy cannot use earned paid sick leave for this category to make up for the loss of 1/3 salary, as it does not relate to an actual medical need. The employees would have to use their earned vacation leave for this, if they so choose to do so, unless the Town Board approves use of earned paid sick leave for this category.

**Action Requested**

By motion, approve retroactive use of FFCRA leave, approve use of FFCRA leave by employees in essential positions and approve use of earned paid sick leave for Category 5 under the FFCRA emergency sick leave.

Motion to approve as presented.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: None

Vote: Mayor Pro-tem Mewborn: Yes

Commissioner Goff: Yes

Commissioner Ross: Yes

Commissioner Langley: Yes

Commissioner Davis: Yes

Approved: 5-0

Motion passed unanimously.

- D. Approve Draw Down of \$2,500 of Town's \$5,000 Escrowed Funds for Option Extension on Whitehurst Building (old Bank Building)

Manager Harrell presented to the Board.

**Item Explanation**

Town of Ayden has \$5,000 in escrowed dollars for six (6) month option on Whitehurst building (old bank building) that expired March 18, 2020. Town had within 30 days following March 18th to close on the building, but in the midst of COVID-19, staff requested another five (5) months of option and owner agreed contingent on a draw down of \$2,500 of the escrowed \$5,000. Additional five (5) months of option takes us to September 18, 2020.

**Staff Comments**

Staff recommends approval of \$2,500 draw on escrowed funds for five (5) month extension of option on Whitehurst building.

**Action Requested**

By motion, approve \$2,500 draw down of \$5,000 escrowed funds for five (5) month extension on option on Whitehurst building (old bank building).

Commissioner Goff asked if they had any interest thus far. Mr. Denham said they have not. Commissioner Langley asked Mr. Denham what number he got from the SOG. Mr. Denham stated from \$2-2.5M.

Motion to approve draw down.

Motion: Commissioner Langley

Second: Mayor Pro-tem Mewborn

Discussion: None

Vote: Mayor Pro-tem Mewborn: Yes

Commissioner Goff: Yes

Commissioner Ross: Yes

Commissioner Langley: Yes

Commissioner Davis: Yes

Approved: 5-0

Motion passed unanimously.

- E. Identify Town’s NCLM Voting Delegate

**Item Explanation**

As you may already know, the League’s CityVision 2020 annual conference has been cancelled in response to the state’s Coronavirus response. Instead, they will hold the event virtually in two parts - the first part includes the annual business meeting on May 28th where the new Board of Directors will be announced.

Each member municipality is eligible to cast a single vote for the League Board of Directors in advance of the annual business meeting. To do this, each member municipality shall designate one voting delegate.

The electronic voting process and timeline is as follows:

- The designated voting delegate shall receive their credentials and voting instructions on or before May 15th, 2020.
- The appointed voting delegate shall vote on the slate of candidates via electronic means between May 20 – May 25, 2020.
- The election results shall be presented via electronic means at the Business Meeting on May 28, 2020.

**Staff Comments**

The last Town appointed delegate was Town Manager, Steven Harrell.

**Action Requested**

Appoint a voting delegate for the Town.

Motion to appoint Manager Harrell as the delegate.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Davis

Discussion: None

Vote: Mayor Pro-tem Mewborn: Yes

Commissioner Goff: Yes

Commissioner Ross: Yes

Commissioner Langley: Yes

Commissioner Davis: Yes

Approved: 5-0

Motion passed unanimously.

F. Appoint Town of Ayden Member to Greenville ENC Alliance Board of Directors

Manager Harrell presented to the Board.

**Item Explanation**

The Greenville ENC Alliance has formally begun the process of putting the permanent board in place for the Alliance. The permanent board will take effect as of July 1, 2020. There are three (3) municipal seats available for the voting board that need to fill and there are six (6) municipal members at this time. Please note that all members are at a minimum ex-officio members and can still take part in the meetings.

The three (3) seats are permanent rotating seats among the municipality members with a typical term of three (3) years per seat. Since this is the initial board the three (3) seats will have staggered years. Seat One will be a one-year term, Seat Two will be a two-year term and Seat Three will be a three-year term. When Seat One expires in a year, the next municipality in the rotation will serve a full three-year term. When Seat Two expires in two (2) years, another municipality in the rotation will go on board for a full three-year term and then we're in a normal rotation.

The current, interim Board of the Alliance has determined the following initial municipality members of the Board along with each one's respective term of office:

Seat One - Village of Simpson (One year Term)

Seat Two - Town of Farmville (Two-year Term)

Seat Three - Town of Ayden (Three-year Term)

The following is the rotation of municipality members for how they come on/off the board:

1. Village of Simpson

2. Town of Farmville

3. Town of Ayden

4. Town of Bethel

5. Town of Fountain

6. Town of Grimesland

Someone will come off each year and a new municipality will come on each year. For any NEW municipality that joins, they will go on the end of the rotation (i.e., Winterville, Falkland, Grifton). Each active municipality is guaranteed an opportunity as a voting seat, as long as they stay active members.

**Staff Comments**

Action tonight is for the Town Board to appoint a member to the Greenville ENC Alliance Board of Directors with the three (3) year term of office effective July 1, 2020.

**Action Requested**

By motion, appoint member to Greenville ENC Board of Directors for three (3) year term effective July 1, 2020.

Motion to appoint Manager Steven Harrell to the Greenville ENC Board of Directors for a three-year term effective July 1, 2020.

Motion: Mayor Pro-tem Mewborn

Second: Commissioner Langley

Discussion: Commissioner Goff asked if the manager was interested and willing. Manager Harrell said he was.

Vote: Mayor Pro-tem Mewborn: Yes

Commissioner Goff: Yes

Commissioner Ross: Yes

Commissioner Langley: Yes

Commissioner Davis: Yes

Approved: 5-0

Motion passed unanimously.

VI. INFORMATION

A. Staff Departmental Reports

Mayor Pro-tem Mewborn said he was really disappointed with the way the DOT is handling the issues with the intersection. He doesn't feel the engineer has given us a timely response or stood behind what they told us. Mayor Tripp asked that the board be kept in the loop with the AHA project with the IGA building. AHA Director Nichole Brown said she would present the blueprints to the Board when they were ready. Mayor Pro-tem Mewborn commended Director Brown on her vision.

VII. BOARD MEMBER COMMENTS

Mayor Pro-tem Mewborn congratulated Chief Forehand and said we have the best employees in the Town of Ayden. Commissioner Goff said she appreciates our staff and the communication she has been receiving on everything that is going on. Commissioner Ross also thanked staff and congratulated Chief Forehand. Commissioner Langley asked if we could do anything to help with the intersection at Snow Hill and Hwy 11. Manager Harrell said the action taken this past week with the letter from the Commissioners and contacting the NC Delegation like they've been doing is what is needed. Manager Harrell said we would keep on them until action is taken. Commissioner Davis apologized for being late. He said he had some computer issues and he was sorry. He said he felt the traffic pattern was going to get worse with the new housing project by the Middle School. Mayor Tripp said we need to continue contact with the NC Delegation regarding DOT issues. He thanked the employees as well.

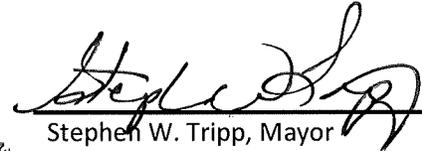
VIII. ADJOURNMENT

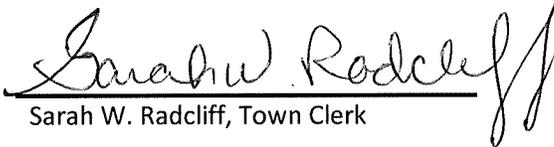
Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 8:38pm.

**CERTIFICATION**

Minutes from the May 11, 2020 meeting were adopted and certified this 8th day of June, 2020 in Ayden, North Carolina.

AYDEN, NORTH CAROLINA

  
\_\_\_\_\_  
Stephen W. Tripp, Mayor

  
\_\_\_\_\_  
Sarah W. Radcliff, Town Clerk

