



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

May 19, 2015 – 6:00 pm
Ayden Town Hall – Second Floor Boardroom

I. CALL TO ORDER

A. Call to Order

Mayor Tripp called the meeting to order at 6:00 pm

B. Roll Call

Present:

Mayor Tripp

Commissioners Davenport, Harris, Mewborn, Ross and Skinner

Absent:

None

Also Present:

Brandon Holland – Town Manager

Sherri Scharf – Town Clerk

Phillip R. Dixon – Town Attorney

Scott Dixon – Associate to Town Attorney

C. Approval of the Agenda

Motion: Commissioner Harris

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to approve the agenda was approved as presented.

At this point, Mayor Tripp recognized in the audience Mrs. Trudy Riggs and family (496 Snow Hill Street) who then addressed the Board by stating that her family has traffic safety concerns about the handicap parking space that is scheduled to be installed at the corner of Third and Snow Hill Streets at the Veterans' Park. Mayor Tripp then thanked Mrs. Riggs for bringing her concerns before the Board and stated that Town Manager Brandon Holland would follow up on this issue and inform her of the outcome.

II. ENTER CLOSED SESSION

As the Riggs family was leaving, Mayor Tripp called on Town Attorney Dixon who recommended that the Governing Board enter closed session pursuant to NCGS 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."

Mayor Tripp called for a motion and subsequent vote to enter closed session.

Motion: Commissioner Mewborn

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to enter closed session was approved at 6:05 pm.

III. RETURN TO OPEN SESSION

Motion: Commissioner Harris

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

The motion to return to open session was approved at 7:00 pm.

IV. PUBLIC RECOGNITION

Mayor Tripp acknowledged the presence of the **Pitt Pirates Robotics FRC Team** whose members introduced themselves to the Board and discussed their mission and projects that they had completed as well as future plans. They ended the presentation by presenting the Town of Ayden with a plaque to express appreciation for Ayden's support of their program.

Public Comments

Ms. Patricia Edwards, 4315-B Liberty Street, addressed the Board on behalf of her sister, Mary Dail, who lives at 313 Garris Street, and whose application is in the verification process required for housing rehabilitation through the CDBG grant program. She and other relatives of Ms. Dail are heirs to the property, were present in the audience, and expressed frustration with the way the process was being handled by McDavid Associates, the CDBG Administrator for the Town of Ayden. Town Manager Holland stated that the delay was due to discrepancies between 9 property owners, and that required documents had not been returned to McDavid Associates so that the house could be cleared for rehabilitation. Mayor Tripp stated that the Town still intended to assist with housing repairs, and then asked Manager Holland to address the issue and provide an update to the family.

V. CONSENT AGENDA

- A. Open Session Minutes of April 13, 2015
- B. Special Called Meeting Minutes of April 27, 2015
- C. Ordinance to Accept Ayden Community Theatre's Assets
- D. Amendment to Pitt County's Interlocal Tax Collection Agreement
- E. NCEMPA Bill Services Agreement
- F. Resolution Declaring Certain Property Surplus

Mayor Tripp called for a motion and corresponding vote.

Motion: Commissioner Skinner

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

The motion to approve the consent agenda was approved as presented.

VI. PUBLIC HEARINGS

Conditional Use Permit for an Automobile Washing & Detailing Business: 4197 Pitt Street

Town Manager Holland called on Community and Economic Planner Stephen Smith to provide explanation for the Conditional Use Permit Application. Planner Smith stated that the applicant, Reggie Cannon, is requesting a conditional use permit to operate an automobile washing and detailing business within the B-1 zoning district. The property (Pitt County Parcel No. 19480), located at 4197 Pitt Street, is owned by the Cherry Rhodes Stokes Life Estate.

At its April 20th meeting, the Planning Board voted unanimously to recommend approving the conditional use permit with the following conditions: (1) car washing will only occur inside the building and (2) all waste water must be contained inside the building and only enter the storm drainage system through approved drains in the service bays.

At this time, staff recommends approving the conditional use permit with the same conditions recommended by the Planning Board.

Mayor Tripp asked Board members if there were any questions on the matter. He then declared the Public Hearing to be open at 7:30 p.m. Seeing that no citizen wished to speak for or against the proposed Conditional Use Permit, it was subsequently closed.

Mayor Tripp called on Town Attorney Phil Dixon who suggested that, as has been the Board's practice during this quasi-judicial process, the Commissioners could allow Attorney Dixon to read each of the seven findings of fact and for the Commissioners to respond as to whether any of them desired a separate vote on any separate finding of fact. If no one desired a separate vote on any individual finding of fact, Mr. Dixon suggested the Commissioners could vote on the required seven findings of fact all at one time.

Attorney Dixon read aloud all seven findings of fact, and no Commissioner requested a vote on any individual of fact.

Mayor Tripp then called on the Board for a motion and corresponding vote:

Motion: Commissioner Davenport

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

The motion to approve the seven findings of fact and the conditional use permit for Cannon's Car Wash was approved as presented.

VII. ACTION ITEMS

A. Ordinance Between Town of Ayden and NCEMPA

Having already been apprised of the legal agreements that comprise the Ordinance, Mayor Tripp called on Town Attorney Phil Dixon to frame the discussion prior to taking action. Attorney Dixon stated that the Town of Ayden was one of 32 members of the NC Eastern Municipal Power Agency that is now proposing the sale of certain assets to Duke Energy Progress. In order to finalize this sale, all of NCEMPA's Members must agree to the sale. He then read aloud the subject of the Ordinance:

"an ordinance of the Town Board of Commissioners of the Town of Ayden, NC determining that it is in the best interests of the Town of Ayden to approve the Asset Purchase Agreement and the Full Requirements Power Purchase Agreement Between NC Eastern Municipal Power Agency (NCEMPA) and Duke Energy Progress, Inc., to consent to the transaction contemplated thereby, and to approve and authorize the execution and delivery of the Debt Service Support Contract, the Full Requirements Power Sales Agreement, and the Power Sales Agreements Termination Agreement between the Town of Ayden and NCEMPA"

Attorney Dixon then stated that it would now be appropriate to make a motion in order to authorize the Mayor to sign the documents referenced in the Ordinance above and to authorize the Town Clerk to execute and deliver any and all other documents necessary to effect the sales transaction.

Mayor Tripp then called on the Board for a motion and corresponding vote:

Motion: Commissioner Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to approve Ordinance No. 14-15-11 to authorize the Mayor to sign and the Town Clerk to execute and deliver the above-referenced legal documents was approved as presented.

Mayor Tripp stated that this was a historic moment and a transaction that could result in significant savings for the citizens of Ayden. He thanked Electricities' Chief Operating Officer Roy Jones for his presentation and explanation of this complex transaction and stated that all

32 cities have to pass ordinances at their governing board meetings, and that he is hopeful this will all be completed by July 1st, 2015.

B. Proposed Modification to Approved Conditional Use Permit

Town Manager Holland stated that the Board had previously approved a conditional use permit last year for Cannon's Car Wash (520 Third Street) that allowed for automobile washing and detailing at this site, with certain conditions (i.e. the installation of a grit trap in the service bay drain and on-site improvements that contain wash water so that it does not flow into the Town's Sanitary Sewer System. Ayden Planner Stephen Smith met with the business operator about these conditions having not been met and it was decided that, rather than revoke the permit, the business operator would agree not to wash vehicles at this location; thus, alleviating the need for site improvements and drainage control since wash water will be eliminated. Minor modifications in previously issued permits are permissible within the Town's Zoning Ordinance (see Section 12-12-B). As such, Ayden's Planning Board voted unanimously on April 20, 2015 to remove the existing conditions and replace them with a condition that will no longer allow the washing of vehicles at this location. With the rest action taken by the Governing Board regarding permissions granted to this business operator, he will now detail cars at 520 Third Street and wash cars at his new location (4197 Pitt Street).

Mayor Tripp then called on the Board for a motion and corresponding vote:

Motion: Commissioner Davenport

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to approve the modification to the Cannon's Car Wash Conditional Use Permit was approved as presented.

C. Electric System Impact Fee and Interconnection Agreement for Solar Farms

Since the Ayden Governing Board had previously approved having the Town's Table of Permitted Uses revised to include solar farms, Town Manager Holland stated that the purpose for the interconnection agreement is to set standards for any entity wishing to apply to Ayden for solar privileges in the future. He then introduced Michael Taylor, project engineer with Power Services and Kyle West, from Coronal Development Services (f/k/a: HelioSage), stating that they could answer any specific questions.

Mr. Taylor explained that 5 MW of solar power will be generated and pass through Ayden's Electric Substation. The electric system impact fee is scheduled to be \$.005 per kWh of solar power produced by the generating facility and will cover the solar facility's impact on Ayden's electrical system. Mr. Taylor and Mr. West estimated total fees collected would range from \$30,000 to \$50,000 per year. Mr. West added that his firm would cover all costs of solar upgrades to the system, which he valued to be approximately \$290,000. He explained that none of the power will back-feed onto Ayden's electrical system. He expects the Littlefield Road Solar Farm will be operational before year end. He has notified Andy Fusco (ElectriCities) of same.

Mayor Tripp asked Mr. West about the length of the contract term. Mr. West replied that it was a 15-year agreement but could be extended in the future if NCEMPA desired.

Mayor Tripp called on the Board for a motion and vote:

Motion: Commissioner Skinner

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

The motion to approve the Interconnection Agreement and Electric System Impact Fee for Solar Farms was approved as presented.

VIII. DISCUSSION ITEMS

Establish Meeting Date for FY 2015-16 Budget Workshop #3

After a brief discussion, Board members agreed to hold the next budget workshop on Wednesday, May 27th at 6:00 pm.

IX. INFORMATION

Staff Departmental Reports (5)

Manager Holland stated that although the Public Works department was ready to install the handicapped parking space at Veterans' Park, it was now on hold. However design drawings will soon be available for review.

X. BOARD MEMBER COMMENTS

Board members made various general comments and addressed concerns from citizens in the audience related to neighborhood crime while also discussing strategies for dealing with it. Ayden Churches, Pitt County Crimestoppers, and the Ayden Community Policing Council were all mentioned as valuable resources and partnerships within the Town's reach. Consensus was reached to continue this conversation at the next meeting on June 3rd. The meeting will emphasize creating a communications plan for educating the public on the Crimestoppers program with a proposed date of Saturday, June 13th for the citizen forum.

XI. CLOSED SESSION

Mayor Tripp called upon Town Attorney Phil Dixon who recommended that the Board reenter Closed Session pursuant to NCGS 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.

Mayor Tripp called for a motion and subsequent vote to reconvene the Governing Board's closed session.

Motion: Commissioner Skinner
Second: Commissioner Ross
Discussion: None
Approved: 5-0
The motion to enter closed session at 8:15 p.m. was approved.

XII. RETURN TO OPEN SESSION

Mayor Tripp called for a motion and subsequent vote to return to open session.

Motion: Commissioner Harris
Second: Commissioner Skinner
Discussion: None
Approved: 5-0
The motion to return to open session at 8:55 pm was approved.

XIII. ADJOURNMENT

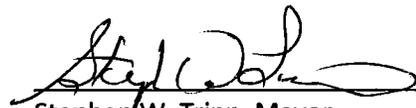
Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 8:55 pm.

CERTIFICATION

Minutes from May 19th, 2015 meeting were adopted and certified this 8th day of June 2015 in Ayden, North Carolina.



AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor

ATTEST:


Sherri L. Scharf, Town Clerk