



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

October 24, 2016 – 7:00 pm
Ayden Town Hall – Second Floor Boardroom

I. CALL TO ORDER

A. Call to Order

Mayor Tripp called the meeting to order at 7:00 p.m.

B. Roll Call

Present:

Mayor Tripp

Commissioners Davenport, Harris, Mewborn, Ross and Skinner

Absent:

None

Also Present:

Steven Harrell - Town Manager

Sarah Radcliff– Town Clerk

Phillip R. Dixon –Town Attorney

C. Welcome Visitors

Mayor Tripp welcomed everyone to the meeting.

D. Invocation

Commissioner Davenport gave the invocation.

E. Pledge of Allegiance

Mayor Tripp led the Pledge of Allegiance.

F. Approval of the Agenda

Manager Harrell stated Chief Jones had another meeting to attend so he would like to move him to speak first.

Motion to approve the agenda as revised.

Motion: Commissioner Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

Motion passed unanimously.

II. PRESENTATIONS

A. Approval of 5% Match for FEMA Assistance to Firefighters Grant

Manager Harrell stated the primary goal of the Assistance to Firefighters Grant (AFG) is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical service organizations. HE stated the Ayden Fire Department is requesting a 5% match, which would equal \$21,400, for a \$428,000 grant request.

Fire Chief Samuel Jones stated the grant was awarded to them in 2007. He said they had made it to the final round and it would not cost them anything to apply for it. Chief Jones stated the grant would make it possible for them to receive the following:

31 Self Contained Breathing Apparatus(SCBAs)

35 Turn out gear

3 Thermal cameras

3 Air Monitors – multigas

10 Radios

1 Strut/extrication equipment

Chief Jones stated this is equipment that is essential for what they do on a daily basis.

Commissioner Davenport said she missed the match.

Mayor Tripp stated 5%, which would be \$21,000. Mayor Tripp said the town would put in \$21,400 and the fire department would get \$407,000 back. Chief Jones said that is correct. He said it would only cost us if we were awarded the grant. Mayor Tripp said they were looking into the town and rural being one fire department and asked if there would be any contribution from the rural fire department. Chief Jones stated he did not know if the rural fire department had the funds without looking at the budget paperwork. Mayor Tripp said he didn't feel that should stop them from going from the grant but that it was something they could discuss in the future.

Manager Harrell stated tonight's task was to approve the match. He stated if they were award the grant, they would come back to the board for adoption of a budget amendment.

Motion to approve the 5% match of \$21,400.

Motion: Commissioner Harris

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

Motion passed unanimously

B. Recognition of Eagle Scout Project by George Crisman Synder IV

George Snyder IV addressed the board. He stated the reason he did the project was to give back to the town that he had lived in most of his life. He said he had been to both cemeteries and felt it would be nice to have a spot to sit and reflect at the cemetery.

Mayor Pro-tem Skinner said he had been out to the cemetery and it looked very good and he was very proud of Mr. Snyder.

Commissioner Harris said he was there the day the work was done and that he, the scouts, and his family worked very hard to get the project done. He said if all goes well, George will be Eagle Scout in a couple of months.

Mayor Tripp said he was impressed with George's assessment of the community and how he identified a great need and provided a useful area for people to sit and reflect.

Manager Harrell stated there would be a dedication ceremony at 9am on November 12th and everyone is invited to attend.

III. PUBLIC COMMENTS

Pat Persinger, 4308 Juanita Avenue, Ayden, addressed the board. Ms. Persinger stated she was the owner of Happy's Emporium. She stated Happy's had a lot of flood damage from Hurricane Matthew that was not covered by her insurance. She stated this was the fifth time she had been flooded in 15 years. Ms. Persinger said there was nowhere for the water to go and would like for the town to look at ways to prevent water from coming in the businesses along Third Street.

Manager Harrell said we would put together a plan and bring it back to the board and would also talk to the property owners.

Darlene Pollard, 4202 A Deer Meadows Court, Ayden, addressed the board. Ms. Pollard asked if there was a committee to go out and educate the community about the election.

Mayor Tripp said it was the responsibility of all of us to encourage people to vote and to help those who cannot get out and vote.

Manager Harrell said generally speaking the Board of Elections and things of that nature are done at the County level. He said would could provide information on our website about voting places and absentee ballots.

Mayor Tripp said as a public service we could put out a notice saying if you call this number we can get someone to get an absentee ballot to you.

Commissioner Mewborn stated he agreed with what has been said and recognized a need; however, he felt it was the responsibility of parties to get the word out and do these types of things. He stated they had the funds to do it and that was their job. He stated he did not feel it was a governing board issue.

IV. PUBLIC HEARING

- A. Public hearing for a zoning map amendment to change the zoning from B-1 (Central Business District) to R-8 (Residential) for approximately .47 acres of the property located at 472 First Street

Planning Director Stephen Smith stated the applicant is requesting a zoning map amendment to change the zoning from B-1(Central Business District) to R-8 (Residential) for approximately .47 acres of the property located at 472 First Street. This request consists of two parcels # 16987 & # 16941.

Zoning District: B-1 (Central Business District) – The B-1 District is intended to serve as the central commercial area of the Town of Ayden and to provide for the full range of retail, office, service and accessory uses customarily located in the central business districts.

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

Future Land Use Map Designation: Downtown – Commercial land uses in Ayden’s planning jurisdiction are concentrated in a few key areas, including the Central Business District. Emphasis should be placed on the preservation and development of the Central Business District. The Downtown land use designation is located in the core downtown area and extends into areas on the periphery to allow for future expansion of the Central Business District.

The properties are surrounded by B-1 zoning to the North, South, East and West and R-8 zoning to the North across First Street (See Attached Map)

Staff recommends denial of the Rezoning from B-1 (Central Business District) to R-8 (Residential). This recommendation is based upon the property being located on in an area designated for future commercial downtown development. Additionally, the property is designated as Downtown and a rezoning to R-8 (Residential) is not consistent with the Future Land Use Map.

At its September 19th, 2016 meeting, the Planning Board voted 5-3 to recommend denial of the rezoning from B-1 (Central Business District) to R-8 (Residential). As a matter of information, we have included a document by David Owens of the UNC School of Government with regard to rezonings being consistent or inconsistent with a town’s Comprehensive Plan. As you can see, a governing board can adopt a rezoning that is inconsistent with its Comprehensive Plan. This is so long as it acknowledges it knows it is doing so and takes the time to set out the rationale for its decision. The statutes do not require detailed findings on this point, but do require that the statement approved by the board describe how the action is or is not consistent with the plan and “briefly” explains why the board considers the action to be reasonable and in the public interest. Additionally, whenever a governing board rezones a property, in the motion it must also state whether or not the action is consistent with the Comprehensive Plan, and if not, to state which it is reasonable and in the public interest, as explained above.

Mayor Tripp opened the public hearing.

Joyce Irvin, 472 1st Street, Ayden, addressed the board. Ms. Irvin stated her parents had purchased the home last year and she and her husband were trying to purchase it. She stated her concern is that if the house is damaged more than seventy percent they may not be able to rebuild. She said most of the properties across the street were residential. She said they really liked the community and wanted to be able to stay here and fix the home and live in it. Ms. Irvin said it is a residential neighborhood and she felt it should be zoned that way.

Mayor Tripp closed the public hearing.

Commissioner Mewborn said he felt the property should have been residential. He asked Manager Harrell if it would cause a lot of problems to approve the rezoning.

Manager Harrell stated the board adopted a Comprehensive Plan on June 11, 2012, establishing the land use. He said there is nothing that prevents the board from rezoning the property in opposition to the Comprehensive Plan. Manager Harrell stated they would just need to give a reason for doing that when making the motion.

Mayor Pro-tem Skinner stated he appreciated the Planning Board and all that they do; however, he stated he could not see the land being a commercial piece of property.

Mayor Tripp said he felt the whole section needed to be changed. He said when the plan was done the vision was that they would be progressing the downtown area and that has not been done as quickly as they had hoped.

Manager Harrell said in order to do anything beyond what is being asked tonight, they would have to go back through the entire process and advertise for another public hearing.

Mayor Tripp called for a motion.

Mayor Pro-tem Skinner

Based on the information provided at the public hearing and in the staff report, and the policies of the Town Comprehensive Plan, the Board finds that the request is inconsistent with the aforementioned plan, but adoption is reasonable and in the public interest because our business district is not growing as anticipated at the time the Comprehensive plan was done and I move to adopt the Zoning Map Amendment Ordinance No. 16-17-07.

Motion: Mayor Pro-Tem Skinner

Second: Commissioner Davenport

Discussion: None.

Approved: 5-0

Motion passed unanimously.

V. CONSENT AGENDA

- A. Meeting Minutes of August 29, 2016 and September 12, 2016
- B. Appointment of a Liaison to the Ayden Chamber of Commerce Board
- C. Payment of Town Manager's Civic Club Membership per Contract

Mayor Tripp called for a motion to approve.

Motion: Commissioner Harris

Second: Mayor Pro-tem Skinner

Discussion: None

Approved: 5-0

Motion passed unanimously.

VI. ACTION ITEMS

A. Resolution 16-17-08 Adopting the Random Acts of Kindness Program

Manager Harrell stated the idea for this program came from Commissioner Mewborn.

The basic components of the proposed program are:

RANDOM ACT of KINDNESS PROGRAM

- The purpose of this program is to foster stronger community relations through random acts of kindness.
- Goal is for a monthly award certificate to be given by the Board to honor the chosen recipient. This can be a tool to inspire others to become involved.
- To qualify for the monthly "Random Act of Kindness Award" the name and a brief account of their act of kindness must be submitted by someone other than themselves to the Town Manager in writing.
- The winner will be chosen by a vote of the Board of Commissioners.
- The town will submit a picture and brief bio to local newspaper on the recipient's perspective regarding the improvement of community relations.
- Honoree's name and deed will be mentioned in the town's monthly newsletter and their picture will be included on our website for one month.
- This will qualify them as a contestant to receive the annual "Random Act of Kindness Award" which will be chosen through Ayden's Board of Commissioners and Chamber of Commerce.
- Ask Ayden-Grifton High School to announce the person's name and deed at our high school ball games.

Manager Harrell said this program would be placed on the Town's website with instructions on how to submit a nominee and on the Arts & Recreation Department and Ayden Police Department Facebook pages, respectively. Flyers would be printed and placed at the front of Town Hall for the public to pick up and at other town facilities; i.e., Recreation Center and Library. Additionally, flyers will be distributed to Ayden businesses and churches.

Commissioner Mewborn stated this program was for everyone. He said if you see someone doing something good, submit it and we will take it from there. He stated this is built on the foundation of "Do unto others as you would have them do to you."

Motion to adopt the resolution establishing the Random Acts of Kindness Program.

Motion: Mayor Pro-Tem Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

Motion passed unanimously.

B. Request by Commissioner Mewborn for Utility Billing Information

Manager Harrell stated Commissioner Mewborn has requested to have copies of customers' utility billing information. Contact with the UNC School of Government by staff reveals that a municipal governing body member can ask for individual customers' utility billing information, but first, each time, must seek approval of the governing body. Any such information provided will redact personal identification information beyond the customer's name and address.

Commissioner Harris asked if approval was required each time. Manager Harrell stated it would require approval each time. Commissioner Harris asked if that was each customer, or each month. Manager Harrell stated it would not be per customer, just each time. He said the commissioner would request utility bills and if the board approved the manager would pull the bills he requested. The next month there would need to be another request if he wanted to view more bills.

Commissioner Mewborn stated he gets requests and complaints all the time regarding utility bills and he would like to see the bills for himself in order to better serve the customers. He said he doesn't always get the truth and this way he would know what he is dealing with. He would be able to make a comparison to see if there is any truth to what he is being told. He said the customers are telling him there is no way their light bill could be this high, etc.

Mayor Pro-tem Skinner and Commissioner Harris asked Commissioner Mewborn if he thought the customer would give him permission to view their bill. Commissioner Mewborn said some people would but not all of them. He said some would be offended that he didn't take their word for it.

Commissioner Harris wanted to clarify that it would not require approval from the individual whose utility bill you would be reading, just approval from the board.

Manager Harrell said that is correct.

Mayor Pro-tem asked if it would then become public information.

Attorney Dixon said it would not.

Commissioner Harris said he understood and sympathizes but is hesitant to give away a customer's private information. Manager Harrell stated he could look at the bill, but could not give it to Commissioner Mewborn without approval from the board. Commissioner Harris stated the manager could look at the bill and make a comparison without showing specific information to the Commissioner. Manager Harrell said that was correct.

Mayor Tripp said he understood the Commissioner is trying to help a citizen and do it with accurate information. He said the manager would be involved and would assist the commissioner with a specific customer's bill that lives in his district.

Motion to allow a commissioner access to customers' utility bills, but first, each time, must seek approval of the governing body.

Motion: Commissioner Mewborn

Second: None

Discussion: None

Approved: N/A

Due to no second, the motion dies.

VII. INFORMATION

Manager Harrell said he had a request from Commissioner Mewborn to get a key to Town Hall so they could have access to office after hours to meet with citizens. Manager Harrell said there was an office available out front and recommended giving each commissioner that wanted one a key. He stated they could set up hours to come in and meet with citizens in a private setting. Manager Harrell stated the only thing he asked is that the board not go behind the Utility Counter.

Mayor Tripp said to make sure to inform the police department.

VIII. BOARD MEMBER COMMENTS

All of the commissioners and Mayor Tripp thanked staff and others for their efforts during the hurricane.

Commissioner Harris reminded everyone of the Safe Night Out on October 31st and the Veterans Day Ceremony at Veterans' Park on November 11th at 1pm.

Commissioner Davenport stated she believed we would be way ahead if we would take up the 200-year-old trees on the easement.

Manager Harrell suggested they take a look at them and determine what shape they are in. He stated we could call on the State Agricultural Service to assist with that.

Mayor Pro-tem Skinner stated he wished they could go ahead and finish cleaning up Veterans' Park. He said there were a lot of kids over 12 years old in the park area and the profanity is terrible.

IX. CLOSED SESSION

- A. Pursuant to N.C.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.

Mayor Tripp asked the board for a motion.

Motion: Commissioner Harris

Second: Mayor Pro-tem Skinner

Discussion: None

Approved: 5:0

The motion to enter closed session at 8:39 p.m. passed.

X. RETURN TO OPEN SESSION

Mayor Tripp asked the Board for a motion to return to open session at 9:18p.m.

Motion: Commissioner Harris

Second: Mayor Pro-tem Skinner

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 9:19pm.

AYDEN, NORTH CAROLINA



Stephen W. Tripp, Mayor

ATTEST:



Sarah W. Radcliff, Town Clerk