



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

November 10, 2014 – 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 pm

B. Roll Call
Present:
Mayor Tripp
Commissioners Davenport, Harris, Mewborn, Ross and Skinner

Absent:
Tommy Duncan – Arts and Recreation Director

Also Present:
Brandon Holland – Town Manager
Sherri Scharf – Town Clerk
Phil Dixon – Town Attorney
Robert Sutton – Public Works and Utilities Director
Barry Stanley – Police Chief
Chris Tucker – Director of Finance
Stephen Smith – Community and Economic Planner

C. Approval of the Agenda
Mayor Tripp suggested that the order of business be reorganized so that Finance Director Chris Tucker could address his items and leave early. Mayor Tripp also stated that he wanted to add discussion of a historic society to the agenda, which would be open for discussion later.

II. PUBLIC RECOGNITION

A. Public Recognition
Mayor Tripp announced that the Ayden Elementary School Student Government Association presentation would be tabled until the December meeting as requested by Principal Cornelia Cox.

B. Public Comments
None

III. STAFF REPORTS

A. Finance Report

Finance Director Chris Tucker distributed a handout detailing the Town's finances at FYE June, 2014. The Town's cash position at October 31st is \$8.5 million. The Town's Enterprise Funds had a surplus of \$300,000 due to spending less than had been allocated for the fiscal year. Mr. Tucker noted that the \$800,000 the Board authorized for the Electric Substations Upgrades Project has yet to be deducted and, thus, is not reflected in this financial report. He anticipates that the Town's audit report will be completed over the next two weeks. He stated that the Board's "next step" in getting the Electric Substation Upgrades Project in place is to secure an endorsement from Electricities, which will be done by resolution, and then after that concurrence is established, the Town must apply to the Local Government Commission for final approval of the Project.

B. Town Manager's Report

Town Manager Brandon Holland reported that pre-bid meeting have been held with potential contractors for the CDBG Catalyst Program and that representatives from McDavid Associates will provide a comprehensive update at the December Board meeting. Developers have filed a Conditional Use Permit to be heard by the Planning Board in November related to a solar farm. The Town's new website is under development and will be live very soon. He and Mayor Tripp have been holding ongoing meetings with the Ayden Ministers Alliance and recently had the Ayden Elementary School Student Council Association attend a meeting to share ways that the community can be involved with their school. The Ministers Alliance will participate in the holiday food basket drive again this year. He also met with ECU's MPA Director to discuss potential internships at the Town. He reminded the Board of upcoming ribbon cutting ceremonies for new businesses: Odd by Nature and Simply Natural Creamery. He is working with the Town's safety contractor to provide an incentive program for accident-free employees. Shop with a Cop (to be held December 17th) will hold its "Touch a Truck" fundraiser on Saturday, November 29th; a raffle of athletic items and gift cards will occur on December 8th, and Dick's Sporting Goods has agreed to donate a gift card as well as consider sponsoring a future recreation activity or league. Finally, he reported that the UNC School of Government is holding a workshop on managing conflict for elected officials in February, and that any interested board members should contact him.

C. Public Works and Utilities Report

Public Works and Utilities Director Robert Sutton reported that Mr. Paysour, the attorney for the Masonic Lodge, reviewed the draft easement the Town prepared and returned it with a list of conditions that may affect the property. Town Attorney Phil Dixon has reached out to Mr. Paysour to discuss this issue. Asbestos was discovered during the CDBG rehabilitation project at the Arts & Recreation Community Center and will need to be addressed. In addition to their regular duties, Town crews have been busy preparing for the Veterans' Day event and will soon be handling the downtown street decorations and tree lighting for the Christmas holiday.

D. Community & Economic Planner Report

Community & Economic Planner Stephen Smith reported that four Zoning Compliance Certificates were issued; one initiated by Charles Smith for a construction office insider the Ayden Chamber of Commerce Building.

E. Public Safety Report

Police Chief Barry Stanley reported that the Ayden Police Department is gearing up for the Shop with a Cop event scheduled for December 17th. Businesses have been solicited for donations. Thus far he has received small donations totaling \$240 but he expects the Touch a Truck fundraiser will bring in many more donations. The goal is to take 13 children shopping for Christmas gifts. He had no police activity related to crime to report.

IV. CONSENT AGENDA

Open Session Minutes of October 15, 2014

It was noted that page 4 was revised and a copy given to the Commissioners for their consideration prior to approval.

Mayor Tripp then called for a motion and corresponding vote.

Motion: Commissioner Skinner

Second: Commissioner Ross

Discussion: None

Approved: 5-0

The motion to approve the consent agenda passed.

V. PUBLIC HEARING

Zoning Text Amendment: Brian Agnew

4451 Lee Street; Parcels No. 14018, 14019, 14020

Town Manager Holland stated that Planner Stephen Smith was present to discuss the above referenced request from the owner of the parcels, Mr. Brian Agnew. Mr. Agnew was also present for the Board to address directly, should they desire to do so.

Mr. Smith stated that on September 24th he received an application from Mr. Brian Agnew requesting that his property (three parcels) at 4451 Lee Street be rezoned to B-2 (Highway Commercial). Mr. Smith explained that the large parcel (No. 14018) is currently zoned L-1 (Light Industrial), and that two smaller parcels (14019 and 14020) are currently zoned R-8 (Residential). In his application Mr. Agnew stated that he had been using the property for storage and that he and his wife now wished to rezone in anticipation of starting a new business.

Mr. Smith noted that 4451 Lee Street had been zoned R-8 (Residential) in 2004 during the adoption of a new zoning map. Prior to 2004, the larger parcel (No. 14018) was zoned DFC (Downtown Fringe Commercial). Then in 2005, Parcel No. 14018 was rezoned from R-8 to L-1.

Also noteworthy is that at its October 20th meeting, the Planning Board voted unanimously to recommend approval of Mr. Agnew's Zoning Map Amendment request. Mr. Smith recommends honoring Mr. Agnew's request to rezone all the parcels to B-2 (Highway Commercial), adding that it would be a "downzoning" that removes more intensive uses from the area. Furthermore, the Future Land Use Map designates this property as High Density Residential and the B-2 zoning district does permit single and multi-family residential uses, as long as all ground floor spaces are used for commercial purposes. Mr. Smith added that the way the property is currently zoned, a business could come in and operate a concrete plant, which would be forbidden in a B-2 district. Removing industrial zoning from this area will help keep industrial uses out on NC 11, thus making properties on Lee Street more attractive for future development. He feels the combination of downsizing to less intensive uses and the potential for future multi-family development should be viewed favorably by the Town.

Mayor Tripp then declared the Public Hearing to be open at 7:30 p.m.

Ms. Shameeka Edwards, 4228 Southeast College, addressed the Governing Board by stating that she owns property adjacent to 4451 Lee Street and would like the Board to preserve the area as residential zoning. She asked why the Board wanted business zoning outside of the downtown area, where she feels it should be. She also inquired if this rezoning will allow for future residential uses in this area of Lee Street.

Mayor Tripp thanked Ms. Edwards and asked the audience if there were any other comments or concerns. Seeing none, the Public Hearing was closed at 7:35 p.m.

Mayor Tripp addressed Ms. Edwards by stating that a "scaled down" zoning would mean less heavy traffic like semi-trucks, less "abusive" types of business and, thus, a small business more conducive to a neighborhood. He also believes that all sections of town should be targeted for business growth as different areas have different needs. Mr. Smith agreed adding that the current zoning (L-1) is for heavy manufacturers (better suited to the Town's "outskirts") and B-2 is geared more toward retail businesses.

Commissioner Mewborn stated that citizens in the Lee Street corridor are concerned that their homes will be in jeopardy if the area is rezoned for business. For example, some residents are living in homes they inherited from family. Should the home be damaged or destroyed during a fire, causing a material change, they may not be able to rebuild and would then be living in violation of the zoning ordinance. He feels that rezoning the Lee Street Corridor to B-2 would be "disrespectful of the citizens living in that area."

Mayor Tripp reminded Commissioner Mewborn that at this time the Board was addressing only three parcels. But should there be an interest in rezoning the entire Lee Street corridor, the matter would have to come before the Planning Board and citizens would be given an opportunity to speak at public hearings before any permanent change could be made.

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 adopt Ordinance No. 14-15-09 to amend the Town of Ayden Zoning Map for rezoning 4451 Lee Street (Parcels No. 14018, 14019 & 14020) was approved as presented.

VI. ACTION ITEMS

A. Ordinance Requiring Owner to Demolish Houses at 4570 and 4572 Lee Street

Town Manager Brandon Holland directed the Board to its agenda package which contained a detailed Notice of Failure of Order to Take Correction Action from Ayden Code Enforcement Officer Jim Mallow concerning the properties at 4570 and 4572 Lee Street (Pitt County Parcel Numbers 20785 and 20786, respectively). The Notice included a timeline in which it was noted that on June 26, 2014, Ms. Tonya Murphy-Marshall contacted Mr. Mallow and indicated that she had abandoned any ambition to repair either of the houses (that she and her relatives inherited upon Inez Sparkman Murphy's death).

Staff now recommends that the Governing Board adopt an ordinance that will condemn the properties, allowing for demolition and removal.

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

Motion: Commissioner Mewborn

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to adopt Ordinance No. 14-15-08 to demolish and remove the houses located at 4570 and 4272 Lee Street was approved as presented.

B. Resolution to ElectriCities Regarding the Electric Substation Project

As previously mentioned by Finance Director Chris Tucker during his staff report at the top of the meeting, a resolution must be considered and endorsed by the ElectriCities Board of Directors as the next step in the electric substation upgrades project. Once the ElectriCities Board concurs, the final step will be seeking approval for the project financing from the Local Government Commission.

The purpose of the resolution is to declare that the financing of the electric substation upgrades will have no material adverse effect on revenues or the operation of the Town's electrical distribution system. Due to the fact that the Town is allocating significant local funds into the project (\$800,000), it is the professional opinion of the Town's consultants that if Ayden were to default on the \$1,500,000 loan, removing the materials purchased by the loan proceeds would not hinder the Town's ability to provide power to its customers, which is a key requirement in the power purchase agreement with NCEMPA.

Staff now requests endorsement of the resolution so that the Town Manager can send it to ElectriCities for consideration at its November 21st Board of Directors meeting.

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

Motion: Commissioner Davenport

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

The motion to adopt Resolution No. 14-15-06 regarding the financial fitness of the Ayden Electric Substations Upgrade Project was approved as presented.

C. Holiday Gift Cards for Employees

Town Manager Brandon Holland stated that in past years it has been customary to give gift cards to Town employees as a type of holiday bonus. Since no merit or cost-of-living increases were budgeted for Town employees this year, he feels that gift cards seem worthy of the Board's consideration. As such, he recommends that the Board consider approving holiday gift cards in the amounts of \$250 for employees, \$500 for management staff, and \$50 for reserve police officers for a total allocation of \$20,950.

Mayor Tripp and the Commissioners discussed various dollar amounts that would be appropriate to give employees to reward them for meeting and in some cases exceeding the Town's goals, as well as responding to emergencies such as the sewer main rupture that caused employees to work through Christmas Eve last year. Mayor Tripp reminded the Board that staff had been good stewards of taxpayer money in that \$300,000 that had been allocated in the last fiscal year budget had been saved rather than spent.

Commissioner Mewborn stated that he felt the same as he did last year in that he believed all Town employees should receive the same amount. He recommended \$250 for all employees. Town Manager Holland stated that management staff does not receive overtime pay, which is one reason why it had been customary to give them more. Commission Ross stated that she felt all employees should receive \$500 each.

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

Motion: Commissioner Ross

Second: Commissioner Mewborn

Discussion: None

Approved: 4-1; with Commissioner Davenport opposed.

The motion to approve \$500 gift cards for all 72 employees and \$50 gift cards for 7 police reserve officers was approved.

VII. DISCUSSION ITEMS

Mayor Tripp stated that there had been ongoing conversations with citizens regarding the need for Ayden to have its own "historic society" that would include a museum and art display. He suggested that the Town advertise to form an ad-hoc committee, with the

Governing Board providing the initial oversight, and then turning it over to the committee chair. Top priority will need to be given to finding a location for the museum.

VIII. INFORMATION

None

IX. BOARD MEMBER COMMENTS

Mayor Tripp reminded the audience members of the Veterans' Day ceremony the following day and also wished them a happy Thanksgiving with their families.

X. CLOSED SESSION

Mayor Tripp called upon Town Attorney Phil Dixon who recommended that the Board enter into Closed Session pursuant to NCGS 143-318.11 (a) (3) – to consult with an attorney employed or retained by the public body to protect the attorney/client privilege and 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.

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

Motion: Commissioner Harris

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to enter closed session at 8:05 pm was approved.

XI. RETURN TO OPEN SESSION

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

Motion: Commissioner Skinner

Second: Commissioner Ross

Discussion: None

Approved: 5-0

The motion to return to open session at 8:25 pm was approved.

XII. ADJOURNMENT

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 8:25 pm.

CERTIFICATION

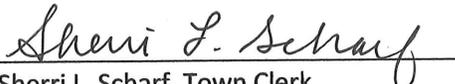
Minutes from November 10th, 2014 meeting were adopted and certified this 8th day of December 2014 in Ayden, North Carolina.



AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor

ATTEST:


Sherri L. Scharf, Town Clerk