



TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES

January 13, 2014 – 6:30 pm
Ayden Town Hall – Second Floor Boardroom

I. Call to Order

A. Call to Order

Mayor Tripp called the meeting to order at 6:30 pm.

B. Roll Call

Present:

Mayor Tripp

Commissioners Davenport, Harris, Mewborn, Ross and Skinner

Absent:

None

Also Present:

Leonard Barefoot – Interim Town Manager

Sherri Scharf – Town Clerk

Phil Dixon – Town Attorney

Barry Stanley – Chief of Police

Robert Sutton – Public Works and Utilities Director

Chris Tucker – Finance Director

C. Welcome

Mayor Tripp welcomed visitors to the meeting.

D. Invocation

Mayor Tripp gave the invocation.

E. Pledge of Allegiance

Mayor Tripp led the pledge of allegiance.

F. Approval of the Agenda

Mayor Tripp stated that although Mike Taylor's presentation was listed on the agenda, he would not be in attendance. Commissioner Ross asked to add an item to the agenda regarding a change in meeting time. The mayor then called on a motion and vote for the revised agenda.

Motion: Commissioner Mewborn

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to adopt the revised agenda as presented was approved.

II. Public Recognition

A. Introductions, Recognitions and Presentations

Mayor Tripp recognized Commissioner **Michael Harris** for his service on Ayden's Arts & Recreation Commission and presented him with a framed certificate of appreciation and a gift on behalf of the Town of Ayden. As a member, Michael Harris first served as chairman in 2007; vice chair in in 2009 and then was reappointed for his last term in 2012. After being elected Commissioner in 2013 it became necessary for him to resign from the Commission. Mayor Tripp stated that it was his honor to recognize Michael Harris for being a true advocate for the Arts & Recreation Department, adding "you are always there for our kids." Commissioner Harris stated that it had been his honor to have served the Commission and paid homage to Chairperson Linda Creech for her passion and heart, stating that he had served closely with her for the past 3 years. Although he had to step down to assume duties as a Commissioner, he stated that he will always be invested in our community's children.

B. Public Comments

Terry Payne, 3919 Lyndale Drive, addressed the Board by stating that he was "upset" because before Christmas he, along with some other businesses, had participated in the Town's branding campaign, an advertising partnership with WNCT-9. However, when he met with a WNCT-9 representative and asked when the plan would be implemented, he said he was told that the Town was "not ready" and that "nobody was returning her calls." Mr. Payne also stated that Anderson Auto is also "ready to go." He asked why, when businesses are invested and supportive, that the Town is not. He asked the Governing Board to "get this matter taken care of."

Mayor Tripp responded by commenting on the transition (Town Manager having left for Fuquay-Varina), and also said that when he had spoken with WNCT-9 the representative said that the holidays are a difficult time for getting projects off the ground. He assured Mr. Payne that the Town is in the process of completed its commercial, but that a revision will be necessary. He feels it is important that the commercial be done the right way and that it is attractive. He believes that the Town's commercial can be ready by the end of the month or early February.

Marshall Beacham, 506 Wellington Road, stood up to commend the Town's employees for the sacrifices they made working through the Christmas holiday to fix a water main break, adding "when we need them, they are there."

III. Staff Reports

A. Interim Manager's Report

Mayor Tripp introduced Interim Town Manager Leonard Barefoot to the audience. Mr. Barefoot stated that he will be working in Ayden approximately 30 hours per week, keeping office hours Tuesday through Thursday, except during the week of a Governing Board meeting, in which case he will work Monday through Wednesday. His first official day was January 6th. He has been busy getting acclimated with the Town's ongoing projects and is "learning a lot."

B. Public Works and Utilities and Arts & Recreation Report

Robert Sutton gave the following report on his Department's activities:

- Electric Department recently installed two underground services; changed out poles in the immediate downtown area, repaired underground serve at Michael Court, and worked on hot spots found during an infrared scan.
- Water & Sewer Department replaced 700 feet of sewer main on Lee Street, which took more than two weeks to complete. He stated that he had "the best crew" who had given up being with their families during the Christmas holiday to work on the water main break. He also stated that Ayden's own Bobby Tripp from Tripp Brothers Construction Company was the only contractor who made himself and his crew available to help with the repair work, and that he was very grateful to Mr. Tripp for his dedication to Ayden (Tripp Brothers is also the primary contractor building the Ayden District Park)
- Street Department assisted the Water & Sewer Department with the water main break in addition to its other duties: street sweeping, leaf collection, sanitation routes and debris pickup, and cemetery openings/closings.
- Arts & Recreation Department participated in the Christmas parade by playing music for the spectators watching in the stands; Youth Basketball has 21 teams (representing various ages) this season; for the first time, there will be a girls' basketball league in Ayden.

C. Finance Report

Chris Tucker distributed a financial report to the Board stating that total cash and cash equivalents stands at \$9,380,101 as of 12/31/2013. The report illustrates that the FYE 2014 budget has a balance between revenues and expenditures with \$14,790,401 for the Electric Fund and \$2,499,915 for the Water/Sewer Fund. Mr. Tucker asked for Board members to bring this report to the upcoming budget workshop where more detailed information will be made available.

D. Public Safety Report

Police Chief Barry Stanley reported the Town of Ayden had a "quiet Christmas" with very little activity and no crimes reported. The annual Shop with a Cop event in December went very well. Commissioner Mewborn reported that he participated in Shop with a Cop and had a "good time."

IV. Consent Agenda

- A. Open Session Minutes of December 3, 2013
- B. Open Session Minutes of December 4, 2013

Motion: Commissioner Davenport

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

The motion to adopt the consent agenda was approved.

V. Public Hearing

- A. Ordinance Amending the Official Zoning Map for 4408 Lee Street (Pitt Co. Parcel No. 17013) and 4374 Lee Street (Pitt Co. Parcel No. 05124)

Mayor Tripp stated that Dale Holland of Holland Planning Consultants (under contract with the Town to oversee planning activities) was in the audience to address any questions the Board may have on the ordinance.

Interim Town Manager Barefoot stated that the public hearing had been duly advertised. He also stated that he was familiar with the proposed ordinance since the issue had been going on for some time. The Planning Board discussed in past meetings that rezoning the above-referenced properties created an inconsistency with the overall vision of the commercial corridor in that it created two gaps in the zoning structure. In recognizing this inconsistency, the Planning Board requested a study of these two properties and, at its October 21, 2013 meeting, voted unanimously to recommend that both properties be rezoned to B-2 to create a legal, non-conforming status for the existing property use, that will also be consistent with Ayden's Comprehensive Plan and the Future Land Use Map designation of these two parcels.

The topic of rezoning these two parcels from R-8 Residential to B-2 Highway Commercial was the subject of a Public Hearing at the November 12, 2013 Governing Board meeting. After much discussion, the Board tabled the issue to allow the Planning Board to define a broader vision for the Lee Street Corridor and evaluate its impact on the Ayden Future Land Use Map.

As requested, the Planning Board considered a broader vision for these properties during its November 18, 2013 meeting and determined that their initial recommendation has not changed and, once again, voted unanimously to rezone 4374 and 4408 Lee Street from R-8 (Residential) to B-2 (Highway Commercial).

At 6:50 pm, Mayor Tripp declared the Public Hearing to be open and asked audience members if they wished to speak for or against the proposed rezoning. Hearing no comments, the Public Hearing was promptly closed.

Commissioner Mewborn stated that if the Lee St. Corridor had a lot of business activity, he could see a B-2 zoning designation, and that the Board might want to consider it in the future. As it stands, in his opinion, the Board is embracing an idea that is 10 years old. He feels it is best to assure the residents living in the area that these two parcels will remain zoned as R-8 Residential.

Commissioner Harris asked what would happen to the current homes on those parcels should the Board vote to rezone them to the B-2 designation. Mayor Tripp responded that those properties would be "grandfathered in."

Planner Dale Holland added that it would be considered a legal, non-conforming use for the residents who live there and that, should one of their homes become damaged through a fire or other means, they could rebuild within 180 days on the same lot. Mr. Holland further stated that the General Assembly adopted legislation in 2005 that states if a Governing Board adopts a zoning action that is in conflict with its Comprehensive Plan, it must state why the action was taken. If the Town were to leave the two properties as R-8, they will be in conflict with Ayden's Comprehensive Plan and it will need to be clearly stated why the inconsistently was chosen.

Mayor Tripp then called on the Board for a motion and subsequent vote.

Motion: Commissioner Davenport

Second: Commissioner Skinner

Discussion: None

Approved: 3-2; Commissioners Mewborn and Ross voted against the motion.

The motion to concur with the Planning Board's recommendation to rezone 4408 Lee Street (Pitt Co. Parcel No. 17013) and 4374 Lee Street (Pitt Co. Parcel No. 05124) from R-8 to B-2 was approved as presented.

B. Ordinance Amending the Town Code; Chapter 91: Non-Domestic Animals

Mayor Tripp stated that Dale Holland of Holland Planning Consultants was in the audience to address any questions the Board may have on the proposed exemption of chickens from the Town's current Code of Ordinances.

Interim Town Manager Barefoot stated that the Public Hearing had been duly advertised, and that he is familiar with the proposed ordinance since the issue had been going on for some time. The Planning Board discussed this issue during its August 19 and September 16, 2013 meetings, and voted in September in favor of making no change to the Town Code as it relates to non-domestic animals, meaning it would still be illegal to harbor chickens in the Town's corporate limits.

During its October 22 and November 12, 2013 meetings, the Governing Board discussed this issue at length and also reviewed current ordinances for non-domestic animals in Greenville, Winterville, Waxhaw, Town of Davison, Greensboro

and Durham. At the conclusion of the November 12, 2013 Governing Board meeting, Town Manager Adam Mitchell informed the Board that he would place the issue on a future agenda and call for a public hearing to seek citizen input.

Mr. Barefoot then stated that following the Public Hearing, the Governing board may consider two options. It can accept the Planning Board's recommendation to make no changes to the current Town Code which prevents keeping non-domestic animals within the Town's corporate limits. Or it can deny the Planning Board's recommendation and direct staff to formulate alternative standards for harboring chickens including those previously drafted by the Planning Board and presented to the Governing Board on November 12, 2013. Should the board choose to consider alternative standards for chickens, they must be formalized as an amendment and duly advertise for a public hearing in February. The Planning Board would then be required to reconsider the matter at its January 21st meeting and report back to the Governing Board.

Mayor Tripp declared the Public Hearing to be open at 7:05 pm.

Yvonne Garris, 313 Luther Circle, stated that she has lived in Ayden for 18 years. She previously lived in Farmville and had chickens living next door whose noise bothered her as well as their smell. She stated that she is also representing several of her neighbors who are present. Being an active member of the Planning Board, she asked, "Why can't we move past this?" She then asked the Governing Board: "Are you for all of Ayden's citizens or just a select few?"

Patty Richardson, 282 Bowen Circle, asked the audience and Governing Board "how many people in this room know that she had illegally harbored chickens for years?" She stated that she "got rid of them because of all the hassles from the Town." She understands that there are standards that would allow enough spacing in yard to alleviate any potential problems.

Connie Nicholson, 4513 Brown Road, stated that she wants the ordinance kept as it is. She stated that she feels that the advantage and privilege of living within the Town's limits is to not have to live near non-domestic animals. Let people who live in the country have their chickens, but not in town.

Travis Woods, 3953 North East College Street, wondered it will look to new residents and people who are interested in bringing business projects to town when they drive into Ayden and see chickens. He asked the Governing Board to think about the (temporary) stench we experience when a hog truck goes through town, and then imagine the stench in the summer. He will have a problem if his neighbors decided to keep chickens.

Lindsey Richardson, 282 Bowen Circle, asked since it is only "a select few" who want chickens, why is it such a big deal? She feels Ayden Animal Control will enforce new regulations for chickens. She sees Greenville and Charlotte allowing chickens without it affecting their community's growth. She said that the Board could charge chicken owners a fee each year and the Town would make money.

Roy Richardson, 282 Bowen Circle, stated that, as his wife previously said, they no longer have chickens because it was too much trouble dealing with the Town. He said that chicken owners are not asking for mass production, they just want to eat what they raise. He thinks with the standards set forth, there will be no problems. He said that there were only 5 or 6 people who asked for golf carts in town, and now there is an ordinance that allows that.

Bill Norris, 4254 Wildwood Drive, said that he grew up on a farm and knows that chickens will bring wildlife to yard at night, and that those animals can be rabid. He remembers fox, raccoons and wild dogs invading their farm. He feels this will be a dangerous situation for Ayden in-town residents.

Marian Evans, 4280 Montague, said that she moved away from Ayden and came back 20 years ago. She has listened to the Town talk about Ayden being a good place to raise kids and how the Town is attempting to bring in new business, jobs and growth. However, she feels raising chickens within the Town's limits is "like going back in time." She is against having chickens in town.

Terry Payne, 3919 Lyndale, is a member of the Planning Board and participated in researching this issue. He stated that Raleigh allows chickens but only on lots 1 acre or bigger. He believes that the Town already has a lot of ordinances in place and is hardly able to enforce all of them. He feels the Town does not have the finances or manpower to take on the enforcement effort required to harbor chickens in town.

Marshall Beacham, 506 Wellington Road, said that he is aware of chickens living in The Pines. He has lived in Montclair Estates for the past 20 years, and he and his neighbors don't want chickens there. He feels we need to enforce the current ordinance that outlaws non-domestic animals.

Floyd Cannon, 3915 Winchester, stated that he "wants progress, not a barnyard community."

With there being no more citizens wishing to comment, Mayor Tripp closed the Public Hearing at 7:30 pm.

Commissioner Davenport thinks that leaving the current ordinance as it is will be the best thing for Ayden. She believes that not all neighborhoods are equal, such as her neighborhood, which does not have fences, and other neighborhoods where all the (small) back yards meet. She feels that it is important that the town "look good," and that the Board has worked hard over the years to ensure it.

Commissioner Mewborn personally does not care for chickens, but if owners care for their chickens, he has no problem with it. He thinks it is important to be fair: let people who already have chickens keep them and place restrictions on new owners.

Commissioner Ross stated that this issue has gone back and forth between the Planning Board and Governing Board and we need to end this issue now. She further stated that the commissioners have the final say on any issue. She has visited citizens who harbor chickens and did not see any problems. She believes not everyone will want chickens, and that those who do will abide by the rules. She believes this issue is trivial and that growth and appearance of the town are more important issues.

Commissioner Skinner said he has visited citizens who own chickens such as the Richardson's and Mr. Stocks, who he believes owns 30 or 40 chickens that he had 25 years before the Town annexed his property. The chicken owners he has seen have very nice coops that probably cost \$3,000-4,000 each. He also did not smell anything objectionable. He feels it is "time to put this issue to bed."

Commissioner Harris stated that he sees both sides of the argument. From having talked with chicken owners, he understands it is not cheap to own them. He did not notice odors and he felt the chicken owners were respectful. He believes there is a current trend to families teaching "old ways" in raising and growing their own food. He does not see an issue if done in a responsible way.

Planner Dale Holland stated that a town cannot grandfather in an illegal use, such is the case with Ayden's current animal ordinance. However, if a resident had chickens before the non-domestic animal ordinance was adopted, then you could consider them as grandfathered in. Interim Town Manager Barefoot asked if those grandfathered in could be subject to new restrictions. Planner Holland answered that they could be given a reasonable amount of time to comply with them.

Mayor Tripp then called on the Board for a motion and subsequent vote.

Motion: Commissioner Ross

Second: Commissioner Skinner

Discussion: None

Approved: 4-1; Commissioner Davenport voted against the motion.

The motion to deny the Planning Board's recommendation and allow an exemption for chickens within the Town's Corporate Limits provided the Non-Domestic Animal Ordinance incorporates all the standards previously established for harboring chickens (except the permit fee) was approved as presented.

Commissioner Harris pointed out that since aesthetic standards were not defined by either of the Boards, we should leave it out of the standards we impose.

Interim Manager Barefoot stated that the amendment to the ordinance needs to be done in proper form, and Planner Holland agreed. Attorney Phil Dixon stated that the Planning Board should draft the text amendment to the ordinance, send back to the Governing Board, and a new public hearing be held.

VI. Action Items

A. Appointment to the Arts & Recreation Commission

The Mayor informed the Board that with Michael Harris stepping down from the Commission when he was elected commissioner, there is now a full-member vacancy on the Arts & Recreation Commission. The Town twice advertised the vacancy, and Mr. Marshall Beacham is the only individual who submitted an application.

Mr. Beacham was appointed as an alternate member to the Commission in November, 2012. In his application he states that he would like to be reappointed as a full member with voting privileges. He has lived in Ayden for the past 32 years and has been both coach and referee to Ayden youth of all ages for many years.

Staff recommends reappointing Mr. Beacham to the Commission as a full member.

Mayor Tripp then called for a motion and subsequent vote.

Motion: Commissioner Harris

Second: Commissioner Skinner

Discussion: None

Approved: 5-0

The motion to reappoint Mr. Marshall Beacham as a full member to the Arts & Recreation Commission was approved.

B. Ordinance Amending the Capital Project Budget for Sidewalk Improvements

NCDOT awarded a grant of \$286,750 through its Safe Routes to School Program. The sidewalk improvements project is now complete and a final budget ordinance is needed for final release of funds by NCDOT.

The Mayor called for a motion and subsequent vote.

Motion: Commissioner Skinner

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

The motion to approve Ordinance No. 13-14-10 to amend the Capital Project Budget for the NCDOT Safe Routes to Schools (SRTS) Project was approved.

C. Ordinance to Amend the Town's FYE Budget – SRTS Project: Inter-Fund Transfer

NCDOT awarded a grant of \$286,750 to the Town of Ayden through its Safe Routes to School Program. The sidewalk improvements project is now complete and the Town is taking the necessary steps to assure proper financial and auditing accuracy in the budget. The budget amendment allows for funds to be available in the General Fund to be transferred as a local contribution to the SRTS Fund.

The Mayor called for a motion and subsequent vote.

Motion: Commissioner Skinner
Second: Commissioner Mewborn
Discussion: None
Approved: 5-0

The motion to approve Ordinance No. 13-14-11 to amend the Town of Ayden's FYE 13/14 Budget Ordinance to close-out the NDDOT Safe Routes to Schools (SRTS) Project was approved.

- D. Change in Time for Town of Ayden Monthly Governing Board Meetings
Commissioner Ross stated that she is a member of the Ayden Kiwanis Club Board of Directors who holds its meetings on Monday evenings at 6 pm, which is a direct conflict with the 6:30 meeting time for the Governing Board on the second Monday of each month. Commissioner Harris also serves on the Kiwanis Club Board. She would like the Board to consider moving the meeting time up to 7 pm.

The Mayor called for a motion and subsequent vote.

Motion: Commissioner Mewborn
Second: Commissioner Harris
Discussion: None
Approved: 5-0

The motion to change the meeting time for the monthly Governing Board meetings from 6:30 to 7:00 pm was approved.

VII. Discussion Items

A. Scheduling Goals Setting Retreat

Mayor Tripp stated that economic development is one of the Town's primary goals and that it "can't wait." He urged the Board to set a meeting date for the retreat, to review Ayden's Comprehensive Plan, and to bring a "wish list" to the retreat for consideration. The Board agreed to meet on Wednesday, January 29th at 4:30 pm for the goals setting retreat session.

B. Scheduling Budget Workshop

The Board decided to table a discussion and setting a date for the budget workshop until after the goals setting retreat.

VIII. Information

2012 CDBG Catalyst Program Monthly Performance Report – Project Update

Mike Barnette from McDavid Associates, the Town's administrator for the CDBG Catalyst Program, was present and addressed the Governing Board. He stated that the Town of Ayden was notified last summer of a \$750,000 grant award. Recently the federal government releases the funding so that we may begin to draw down funds for the renovation of the Arts & Recreation Building and the three (3) houses that will be renovated. The Town recently chose the contractors to complete the architectural design for the Arts & Recreation Building work including the

installation of an elevator (MHA Works) and paving of the two parking lots and the environmental assessments, lead testing, and income analyses required for the housing "rehab" (McDavid Associates). At this point in time, the design plans have been submitted and the environmental assessments for the houses have been completed.

IX. Board Member Comments

Mayor Tripp announced that the Zion Chapel Church will host a Martin Luther King Jr. event on Monday, January 20th, and encouraged Board members and the community to attend. He then called on the board members for comments.

Commissioners Harris stated that it was great to see all the people in the audience. He encouraged citizens to continue to attend stating that he "always respects all points of view."

Commissioner Mewborn stated that it is important to "get close to the community for a better perspective," and that citizens can call him anytime, adding that he cannot guarantee results, but he will try to "get the best results for the whole town."

Commissioner Ross said that she appreciates seeing a large group of citizens attending Board meetings. She thanked the citizens for the opportunity to serve them, stating that they could call her with their concerns. She added that she will be "transparent in conducting the Town's business."

Commissioner Skinner thanked the citizens for coming and encouraged them to attend future board meetings so that the commissioners can benefit from their input.

Mayor Tripp stated that he was grateful to have participated in gathering and delivering 100 meals to families who were in need during the Christmas holiday. He thanked the citizens in the audience for their "passion" during the public comments. He thanked Interim Town Manager Leonard Barefoot for the job he is doing on behalf of the Town and also thanked former town manager, Adam Mitchell, for attending the meeting.

X. Closed Session

Town Attorney Phil Dixon recommended that the Board enter into closed session as follows 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; NCGS 143-318.11 (a) (4) -- To discuss matters relating to the location of a business served by the public body; and NCGS 143-318.11 (a)(5) -- to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

The Mayor called for a motion and subsequent vote.

Motion: Commissioner Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to enter closed session at 8:20 pm was approved.

XI. Return to Open Session

Motion: Commissioner Skinner

Second: Commissioner Harris

Discussion: None

Approved: 5-0

The motion to return to open session at 10:15 pm was approved.

XII. Recess

At the urging of Interim Town Manager Leonard Barefoot, the Governing Board decided not to adjourn but, rather, recess until the January 29th goals setting retreat.

Motion: Commissioner Harris

Second: Commissioner Ross

Discussion: None

Approved: 5-0

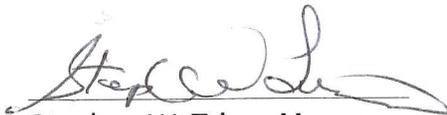
The motion to recess the meeting until January 29th at 4:30 pm was approved.

Certification

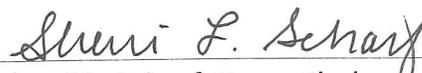
Minutes from the January 13th, 2014 meeting were adopted and certified this 10th day of February 2014 in Ayden, North Carolina.



AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor

ATTEST:


Sherri L. Scharf, Town Clerk