



**TOWN OF AYDEN
GOVERNING BOARD MEETING
MINUTES**

November 14, 2017– 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

Scott Dixon- Town Attorney

C. Welcome Visitors

Mayor Tripp welcomed everyone 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

Manager Harrell stated they needed to remove Item C. under Presentations due to the DOT not being ready to present to the board. He said they needed to move the Closed Session items from the end of the agenda to directly after Public Hearings. Motion to approve the agenda as amended.

Motion: Commissioner Davenport

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

II. PRESENTATIONS

A. Random Acts of Kindness

The recipient was not present.

B. Intermediate Law Enforcement Certificate

Chief Stanley presented Officer Brian Frazier with his Intermediate Law Enforcement Training certificate and thanked him for his hard work and dedication to the police department.

III. PUBLIC COMMENTS

Erica Edreira, 103 B Cedar Court, Greenville, addressed the board. She stated she was with the ECU Social Work program and thanked the Town for allowing them to place boxes at Town Hall and the Police Department to collect coats for needy children. She stated the boxes would be there until December 5th.

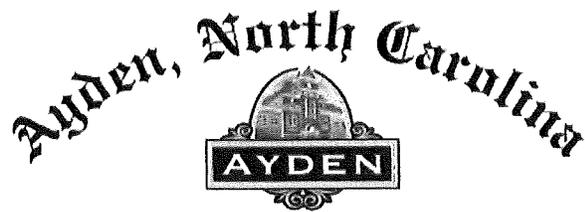
County Commissioner Glen Webb gave an update to the board regarding county business.

IV. PUBLIC HEARING

A. Tobacco Free Park Policy

Mayor Tripp opened the public hearing. With no one wishing to speak for against the item, Mayor Tripp closed the public hearing.

Motion to adopt the enclosed Ordinance to prohibit smoking and the use of other tobacco products on the grounds of the Ayden's Parks systems.



Ordinance 17-18-12

Ordinance Prohibiting the Use of Tobacco Products in the Town of Ayden's Park System

PROHIBITION ON the use of all tobacco products, including e-cigarettes in all areas of the Town of Ayden's Parks System including grounds, buildings and vehicles.

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are the leading preventable causes of illness and premature death in North Carolina and the nation;¹

WHEREAS, tobacco is a recognized carcinogen in humans, and health risks associated with the use of tobacco products include myocardial infarction (heart attack), stroke, adverse reproductive outcomes, lung cancer and diabetes;²

WHEREAS, in 2006, the United States Surgeon General determined that secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; that children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma; that smoking around children causes respiratory symptoms and slows their lung growth; and that scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke;³

WHEREAS, the CDC reports that nearly 90% of smoking and smokeless tobacco use are initiated and established before age 18, that most people who begin smoking during adolescence are addicted by the age of 20, and that adolescent smokeless tobacco users are more likely than nonusers to become adult cigarette smokers⁴;

¹ Centers for Disease Control and Prevention, Smoking and Tobacco Use Fast Facts, http://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/toll (last visited July 24, 2015).

² *Id.*

³ U.S. DEP'T OF HEALTH & HUMAN SERVS., THE HEALTH CONSEQUENCES OF INVOLUNTARY EXPOSURE TO TOBACCO SMOKE: A REPORT OF THE SURGEON GENERAL 11 (2006), <http://www.surgeongeneral.gov/library/reports/secondhand-smoke-consumer.pdf>

⁴ Centers for Disease Control and Prevention, Youth and Tobacco Use, http://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm (last visited Oct. 7, 2010).

WHEREAS, everyday an estimated 3,800 youth aged 18 or younger try their first cigarette and an estimated 2,100 youth become daily cigarette smokers⁵;

WHEREAS, children model adult behavior and benefit from positive models of non-smoking behavior and positive reinforcement of healthy lifestyle messages through exposure to smoke and tobacco free public areas⁶;

WHEREAS, environmental organizations, such as the Ocean Conservancy, consistently report cigarette butts as a leading cause of litter⁷;

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity, and some hazard exists beyond 30 feet⁸;

WHEREAS, children playing on the grounds of the Town of Ayden's parks system and in buildings located in the Town of Ayden's parks system are more likely to ingest cigarette butts if they are discarded and accessible⁹;

WHEREAS, in 2013, American Poison Control Centers received over 1,000 reports per month of children under the age of 6 being poisoned by contact with tobacco products¹⁰;

WHEREAS, in 2016, the U.S. Surgeon General's Report on E-cigarette Use Among Youth and Young Adults stated that emitted e-cigarette aerosol is not just water vapor, but contains nicotine and can contain additional toxins, making it less safe than clean air. Furthermore, e-cigarette use has the potential to involuntarily expose children and adolescents, pregnant women, and non-users to aerosolized nicotine and, if the products

⁵ *Id.*

⁶ *Id.* (stating that one factor associated with youth tobacco use is smoking by parents or guardians).

⁷ OCEAN CONSERVANCY TURNING THE TIDE ON TRASH (2014), <http://www.oceanconservancy.org/our-work/marine-debris/icc-data-2014.pdf>; NC Big Sweep Keep North Carolina Clean, http://www.ncbigsweep.org/?page_id=17 (last visited Oct. 8, 2010); Litter in America – Results from the Nation's Largest Litter Study, http://www.kab.org/site/DocServer/LitterFactSheet_CIGARETTE.pdf?docID=5182 (last visited Oct. 8, 2010).

⁸ Neil E. Klepeis, Wayne R. Ott, and Paul Switzer, *Real-time Measurement of Outdoor Tobacco Smoke Particles*, 57 J. AIR & WASTE MGMT. ASS'N 522, 522 (2007); Neil E. Klepeis, Etienne B. Gabel, Wayne R. Ott, and Paul Switzer, *Outdoor Air Pollution in Close Proximity to a Continuous Point Source*, 43 ATMOSPHERIC ENV'T 3155, 3165 (2009); Jihee Hwang, Kiyoung Lee, *Determination of Outdoor Tobacco Smoke Exposure by Distance From a Smoking Source*, NICOTINE & TOBACCO RESEARCH, 1-7 (2013).

⁹ Thomas Novotny, Sarah Hardin, Lynn Hovda, Dale Novotny, Mary McLean, Safdar Khan, *Tobacco Control, Tobacco and cigarette butt consumption in humans and animal* (2011). <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3988460/>

¹⁰ James B. Mowry, Daniel A. Spyker, Louis R. Cantilena Jr., Naya McMillan, Marsha Ford, *2013 Annual Report of the American Association of Poison Control Centers' National Poison Data System (NPDS): 31st Annual Report*, 47 CLINICAL TOXICOLOGY 52, 1032-1283 (2014). https://aapcc.s3.amazonaws.com/pdfs/annual_reports/2013_NPDS_Annual_Report.pdf

are altered, to other psychoactive substances. Therefore, clean air—free of both smoke and e-cigarette aerosol—remains the standard to protect health;¹¹

WHEREAS, the use of e-cigarettes in places where smoking traditional tobacco products is prohibited could lead to difficulties in enforcing smoke-free policies and renormalize tobacco use;

WHEREAS, in 2009, the United States Food and Drug Administration (FDA) announced that an analysis of e-cigarette samples indicated that the e-cigarettes contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze; and it has been found that the emitted aerosol is not just water vapor, but contains nicotine and can contain additional toxins, making it less safe than clean air to the nearby non-user;¹²

WHEREAS, experimentation with and use of e-cigarettes have risen sharply among young people according to the recently released Youth Tobacco Survey: current use of electronic cigarettes among North Carolina high school students jumped by 888 percent from 1.7 percent in 2011 to 16.8 percent in 2015. Twenty-seven percent of high school students said they are considering using electronic cigarettes in the next year. Overall tobacco use among NC high school students increased from 25.8 percent to 27.5 percent from 2011 to 2015;¹³

WHEREAS, the Town of Ayden is committed to protecting the health and environment of individuals, children, and employees in the county buildings, vehicles, and grounds by eliminating exposure to secondhand smoke and eliminating the amount of litter caused by discarded cigarette butts;

WHEREAS, the Town of Ayden provides support to employees and residents who want to quit the use of tobacco products. Employees and residents are also encouraged to talk to their health care provider about quitting, ask about appropriate pharmacotherapy available through their health insurance plan or employee's insurer, and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-869);

¹¹ U.S. DEP'T OF HEALTH & HUMAN SERVS., E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General, 2016, <https://www.surgeongeneral.gov/library/2016ecigarettes/index.html>

¹² Memorandum from B.J. Westenberg, Deputy Director, CDER/OPS/OTR, Division of Pharmaceutical Analysis to Michael Levy, Supervisor Regulatory Counsel, CDER, Office of Compliance Division of New Drugs and Labeling Compliance (May 4, 2009), available at

<http://www.fda.gov/downloads/Drugs/ScienceResearch/UCM1171250.pdf>; see also Press Release, United States Food and Drug Administration, FDA & Public Health Experts Warn About Electronic Cigarettes (July 22, 2009), available at

<http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm117122.htm>.

¹³ North Carolina Division of Public Health, Tobacco Prevention and Control Branch, 2015 Youth Tobacco Survey Factsheet, available at <http://www.tobaccopreventionandcontrol.ncdhs.gov/data/yts/docs/2015-NC-YTSFactSheet-WEBFINAL-v2.pdf>.

WHEREAS, the Town of Ayden wishes to minimize the harmful effects of tobacco use among employees and eliminate secondhand smoke exposure for employees and the public in and on those buildings, vehicles and grounds controlled by the Town of Ayden parks system;

Legal Authority

WHEREAS, on January 2, 2010, "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment," North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;"

WHEREAS, according to NCGS § 160A-174(a) a town or city council, may find and declare that, in order to protect the public health and welfare, it is in the best interest of the residents of the Town of Ayden to adopt an ordinance prohibiting smoking and the use of tobacco products in Town of Ayden's parks system buildings, grounds, and vehicles.

Section 1. Authority.

This ordinance is enacted pursuant to [for cities: NCGS 130A-498 and 160A-174(a); for counties: NCGS 130A-498 and 153A-121(a)].

Section 2. Definitions [Only include definitions for terms that are used in subsequent sections of the ordinance.]

1. "Town of Ayden parks system building". – A building owned, leased as lessor, or the area leased as lessee and occupied by the Town of Ayden parks system.
2. "Town of Ayden parks system vehicle". – A passenger-carrying vehicle owned, leased, or otherwise controlled by the Town of Ayden parks system and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official Town of Ayden parks system business.
3. "E-cigarette". – Any electronic oral device that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.
4. "Employee". – A person who is employed by the Town of Ayden parks system, or who contracts with the Town of Ayden parks system or a third person to perform services for the Town of Ayden parks system, or who otherwise performs services for the Town of Ayden parks system with or without compensation.

5. "Grounds". – An unenclosed area owned, leased, or occupied by the Town of Ayden parks system.
6. "Local health department". – The district health department, public health authority, or county health department, the jurisdiction of which includes the Town of Ayden parks system.
7. "Town of Ayden parks system". – Any tract of land or body of water comprising part of the Town of Ayden's parks, playgrounds, recreation areas, greenways, or trails.
7. "Public place". – An enclosed area to which the public is invited or permitted.
8. "Smoking". – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.
9. "Tobacco product". – Any product containing or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to cigarettes; e-cigarettes; cigars; little cigars; snuff; and chewing tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
10. "Universal 'No Smoking' Symbol". – Symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.
11. "Universal 'No Smoking and Use of Tobacco Products Prohibited' Symbol". – Symbol consisting of a pictorial representation of a burning cigarette and a tobacco product enclosed in a red circle with a red bar across it.

[In the following Section(s), the ordinance will list the activities that are banned and the places in which they are banned. If there are variations in what activities are banned in different places, use as many Sections as needed to express these variations. In Sections 3 and 4 below, we give examples of the activities and places you may wish to ban smoking/the use of tobacco products/the use of e-cigarettes. Please tailor this list to fit the needs of your jurisdiction.]

Section 3. Areas in Which Smoking and the Use of Tobacco Products are Prohibited

(a) Smoking and the use of tobacco products are prohibited:

- 1) On the grounds of the Town of Ayden's parks system; and
- 2) In the Town of Ayden buildings located in the Town of Ayden parks system.

(b) The prohibition on smoking and the use of tobacco products in the places listed in section (a) above includes those times when they are being used for private events.

Section 4. Areas in Which Smoking and the Use of E-cigarettes are Prohibited

(a) Smoking and the use of e-cigarettes are prohibited:

In all enclosed areas of public places within the Town of Ayden parks system, excluding those places identified in NCGS 130A-498(b1) as being exempt from smoking restrictions, including certain tobacco shops, premises of tobacco manufacturers and growers, smoking guest rooms in lodging establishments, certain cigar bars, private clubs, and live production sets.

- (b) The prohibition on smoking and the use of e-cigarettes in the places listed in section (a) above includes those times when they are being used for private events.

Section 5. Implementation Requirements

- (a) The Town of Ayden parks system and persons who manage, operate, or control a public place shall post signs that meet all the requirements in Section 6 of this ordinance.
- (b) The Town of Ayden parks system and persons who manage, operate, or control a public place shall remove all ashtrays and other smoking receptacles from places where smoking and tobacco products are prohibited, except for ashtrays and receptacles for sale and not intended for use on the premises.
- (c) The person in charge of the Town of Ayden parks system building, vehicle, or grounds or his or her designee, shall direct a person who is smoking or using a tobacco product in a prohibited area to cease and, if the person does not comply, shall contact the Town of Ayden Police Department (*or specify another appropriate law enforcement agency*).

Section 6. Signage

The signs required by Section 5 must:

- (a) State in English (*optional: insert other languages here*) the applicable prohibition for the area (e.g. smoking and the use of tobacco products are prohibited) and include the applicable universal symbol (e.g., the "No Smoking and Use of Tobacco Products Prohibited" symbol).
- (b) Be of sufficient size to be clearly legible to a person of normal vision, and be conspicuously posted.
- [Include below all of the places included in the prohibition.]*
- (c) Be posted in each Town of Ayden parks system vehicle in areas visible to passengers, provided that their placement does not interfere with the safe operation of the vehicle. If the vehicle is used for undercover law enforcement operations, a sign is not required to be placed in the vehicle.
- (d) Be posted on Town of Ayden parks system grounds in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.
- (e) Be posted at the entrance to buildings in the Town of Ayden parks system;
- (f) Be posted on the grounds in the Town of Ayden parks system in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.
- (g) Be posted at the entrance to each enclosed public place and in other locations within the enclosed public place reasonably calculated to inform employees and the public of the prohibition.

Section 7. Enforcement and Penalties

(a) **Penalty for Violation.** Following oral or written notice by the person in charge of an area described in Sections 3 and 4, or his or her designee, failure to cease smoking or using tobacco products constitutes an infraction punishable by a fine of not more than fifty dollars (\$50.00). A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.

(b) **Additional sanctions for employees.** In addition to any penalty under subsection (a), employees of the Town of Ayden who violate this ordinance shall be subject to disciplinary action consistent with the Town of Ayden human resources policies.

(c) *(This subsection should be included only if the ordinance includes a prohibition in public places.)* Violations by persons who manage, operate, or control a public place. A local health director may take the following actions and may impose the following administrative penalty on a person who manages, operates, or controls a public place and fails to comply with the provisions of the ordinance.

- (1) **First violation** –Written notice of the person’s first violation and notification action to be taken in the event of subsequent violations.
- (2) **Second violation** –Written notice of the person’s second violation and notification of administrative penalties to be imposed for subsequent violations.
- (3) **Third and subsequent violations** –Impose an administrative penalty of not more than two hundred dollars (\$200). Each day on which a violation occurs may be considered a separate and distinct violation.

Section 8. Public Education

The Town of Ayden parks system shall engage in an ongoing program to explain and clarify the purposes and requirements of this ordinance to employees and citizens affected by it and to guide operators and managers in their compliance with it. In doing so, the Town of Ayden parks system may rely upon materials and information provided by the local health department.

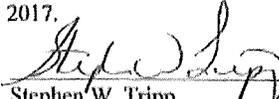
Section 9. Severability; Conflict of Laws.

If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance that can be given separate effect and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 10. Effective Date.

This ordinance shall be effective on January 1, 2018.

Adopted this 14th day of November, 2017.



Stephen W. Tripp
Mayor

ATTEST:



Sarah W. Radcliff
Town Clerk



Motion: Commissioner Davenport
Second: Commissioner Mewborn
Discussion: None
Approved: 5-0
Motion passed unanimously.

V. CLOSED SESSION

Town Attorney Scott Dixon stated we would enter into closed session pursuant to N.C.G.S. 143-318-11 (a) (5) To establish, or 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 (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract and pursuant to N.C.G.S. 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.

Motion to go into closed session at 7:10pm.

Motion: Commissioner Ross
Second: Commissioner Mewborn
Discussion: None
Approved: 5-0
Motion passed unanimously.

Motion to return to open session at 7:43pm.

Motion: Commissioner Davenport
Second: Commissioner Ross
Discussion: None
Approved: 5-0
Motion passed unanimously.

VI. CONSENT AGENDA

A. Minutes from October 9, 2017 Board Meeting.

Motion to approve consent agenda.

Motion: Commissioner Ross

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

VII. ACTION ITEMS

- A. Recommendation of Award for Construction of 2017 Disaster Recovery Project (NC Commerce) Second Street Storm Drainage Improvements.

Rich Moore, McDavid Associates, presented to the board.

Item Explanation

The Town of Ayden was awarded a \$266,500 Disaster Recovery grant through the NC Department of Commerce to replace/relocate failed drainage piping along Second Street, Pitt Street, First Street, and Martin Luther King Boulevard.

Bids for construction were received on September 28, 2017. Based on the low bid received, a recommendation of award is presented for Town Board consideration. A "recommendation of award" is provided for Town Board consideration. The "recommendation of award" letter from McDavid Associates, Inc. is attached. The following exhibits are attached to the "recommendation of award" letter:

1. Resolution Amending Capital Project Budget Ordinance and Awarding Construction.
2. Notice of Award
3. Bid Tabulation Sheet
4. Submitted Low Bid
5. Project Location Map Exhibit

The low bid for construction received was in the amount of \$223,735 as submitted by Tripp Bro's, Inc. The low bid is within the budget of available funds.

The project is within budget based on the low bid. The low bidder is a local contractor. The project will address a critical drainage need within Town.

Staff Comments

Project scoping is consistent with the approved NC Department of Commerce grant agreement. The project is within budget and the contractor has indicated a desire to move forward with construction.

Action Requested

By motion, approve resolution that amends the capital project budget ordinance and awards construction.

Motion to approve resolution that amends the capital project budget ordinance and awards construction.



RESOLUTION 17-18-21
AMENDING CAPITAL PROJECT BUDGET ORDINANCE AND
AWARDING CONSTRUCTION CONTRACTS
NC DEPARTMENT OF COMMERCE PROJECT 2017-124-3214-2593
2017 DISASTER RECOVER DRAINAGE IMPROVEMENTS
CONTRACT NO. 1 – DRAINAGE IMPROVEMENTS
TOWN OF AYDEN

WHEREAS, The Town of Ayden has been approved for Disaster Recovery grant funding in the amount of \$266,500 through the NC Department of Commerce to perform drainage improvements along Second Street, Pitt Street, First Street, and Martin Luther King Boulevard, and

WHEREAS, Plans for construction are complete and bids for construction were received on September 28, 2017, and

WHEREAS, Tripp Bro's, Inc. submitted the low bid for Contract No. 1 – Drainage Improvements in the amount of \$223,735.00,

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

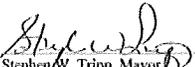
That the attached project budget is hereby amended.

That Contract No. 1 – Drainage Improvements be awarded to Tripp Bro's, Inc. for the low bid amount of \$223,735.00 subject to concurrence by the NC Department of Commerce.

That the Mayor and/or Town Manager are authorized to execute all related contract award documents.

Adopted this the 14th day of November, 2017 at Ayden, North Carolina.




 Stephen W. Tripp, Mayor
 Town of Ayden


 Sarah W. Radcliff
 Town Clerk

TOWN OF AYDEN			
2017 Disaster Recovery Drainage Improvements			
NCC Project # 2017-124-3214-2593			
	BUDGET PER APPLICATION	CHANGES THIS AMENDMENT	BUDGET ADOPTED AT AWARD
REVENUES			
xx-xxxx-xxxx NC Department of Commerce Grant	\$266,500.00	\$0.00	\$266,500.00
xx-xxxx-xxxx Sales Tax Refund	\$0.00	\$10,000.00	\$10,000.00
TOTAL REVENUES	\$266,500.00	\$10,000.00	\$276,500.00
EXPENSES			
Construction			
xx-xxxx-xxxx Contract No. 1 - Drainage Improvements	\$200,000.00	\$23,735.00	\$223,735.00
Subtotal Construction	\$200,000.00	\$23,735.00	\$223,735.00
xx-xxxx-xxxx Contingency	\$20,000.00	-\$13,735.00	\$6,265.00
xx-xxxx-xxxx Engineering	\$22,000.00	\$0.00	\$22,000.00
xx-xxxx-xxxx Inspection	\$20,000.00	\$0.00	\$20,000.00
xx-xxxx-xxxx Legal	\$1,500.00	\$0.00	\$1,500.00
xx-xxxx-xxxx Reimbursables	\$3,000.00	\$0.00	\$3,000.00
TOTAL EXPENSES	\$266,500.00	\$10,000.00	\$276,500.00

Motion: Commissioner Davenport

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

- B. Recommendation of Award for Construction of NCDOT NC 102/Third Street Sanitary Sewer Improvements and Adoption of an Ordinance to Amend the Town of Ayden FY 17/18 Budget Ordinance

Rich Moore, McDavid Associates, presented to the Board.

Item Explanation

The NC Department of Transportation (NCDOT) has scheduled milling/resurfacing of NC 102/Third Street for March 2018. As a condition to resurfacing, NCDOT has identified repair needs to be performed by the Town on sanitary sewer lines within Third Street.

The Town and NCDOT identified locations for repairs. Based on identified areas, final plans were developed to perform repairs and replace a section of gravity sewer collection facilities.

Recognizing project expenses are paid entirely from Town funds, McDavid & Associates wanted to perform an evaluation that did make an effort to show how costs could be reduced. Project scope as bid, Option 1, includes replacement of a full reach (approximately 460 LF) of existing vitrified clay pipe along Third Street in the vicinity of the Masonic Lodge. A single settlement area of the Town's sewer system presently exists at this location. Option 2 replaces only enough of the existing vitrified clay pipe to address the current settlement area and not replace the full section of vitrified clay pipe.

Bids for construction were received on October 31, 2017. Based on bids received, Herring-Rivenbark, Inc. submitted the low bid. Based on the low bid received, two (2) options for award of construction are attached, summarized as follows:

1. Option 1 – Full award of scope as bid is \$231,145.
2. Option 2 – Award based on a Change Order No. 1 that reduces the length of gravity sewer replacement to address only the settlement area; total cost of this option is \$156,560, a savings of \$74,585.

Based on the above options, Option 2 is recommended in the recommendation of award letter from McDavid Associates, Inc. as attached. The following exhibits are attached to the "recommendation of award" letter:

1. Resolution Establishing Capital Project Budget Ordinance and Awarding Construction.
2. Notice of Award
3. Bid Tabulation Sheet
4. Submitted Low Bid
5. Project Location Map Exhibit
6. Change Order No. 1 (only for Option 2)

Staff Comments

Project is a condition to NCDOT resurfacing activities. Improvements must be complete prior to NCDOT beginning resurfacing activities (estimated March 2018).

At the time the 17/18 budget was prepared surveys of areas needing work and estimate of costs were not far enough along to properly budget. As of today, the needed repairs have been identified and bid. The low bid with a change order to reduce the scope of the job has been received and all costs associated with the required repairs total \$193,286.00. The Town needs to amend its 17/18 Budget to accommodate these additional costs. It is recommended an amendment to the budget be made to cover the additional costs related to the needed repairs allowing NCDOT to proceed with the paving of NC Hwy 102 this spring.

Action Requested

By motion, approve the resolution that establishes a capital project budget ordinance and awards construction for Option 2.

By motion, adopt the enclosed ordinance for budget amendment 5 to amend the Town of Ayden FY17/18 Annual Budget.

Motion to approve the resolution that establishes a capital project budget ordinance and awards construction for Option 2.



**RESOLUTION 17-18-22
ESTABLISHING CAPITAL PROJECT BUDGET ORDINANCE AND
AWARDING CONSTRUCTION CONTRACTS
NCDOT NC 102 SANITARY SEWER IMPROVEMENTS
CONTRACT NO. 1 – SANITARY SEWER REHABILITATION
TOWN OF AYDEN**

- WHEREAS,** The NC Department of Transportation has allocated funds to resurface NC 102 (Third Street) through the Town of Ayden, and
- WHEREAS,** The NC Department of Transportation has directed the Town to make identified repairs to existing sanitary sewer facilities along NC 102 prior to resurfacing and as a condition to resurfacing, and
- WHEREAS,** Plans for construction are complete and bids for construction were received on October 31, 2017, and
- WHEREAS,** Herring Rivenbark, Inc. submitted the low bid for Contract No. 1 – Sanitary Sewer Rehabilitation in the amount of \$231,145,

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

That the attached project budget is hereby approved.

That Contract No. 1 – Sanitary Sewer Rehabilitation be awarded to Herring-Rivenbark for the low bid amount of \$231,145.00 subject to the execution of Change Order No. 1 which reduces the contract amount by \$74,585.00 and revises the contract amount to \$156,560.00.

That the Mayor and/or Town Manager are authorized to execute all related contract award documents.

Adopted this 10th day of November, 2017 at Ayden, North Carolina.




Stephen W. Tripp, Mayor
Town of Ayden

ATTEST!

Sarah W. Radcliff
Town Clerk

NCDOT NC 102 SANITARY SEWER IMPROVEMENTS CONTRACT NO. 1 - SANITARY SEWER REHABILITATION TOWN OF AYDEN			
	ADOPTED BUDGET	CHANGES THIS AMENDMENT	ADOPTED BUDGET
REVENUES			
XX-XXXX-XXXX Town of Ayden	\$193,286.00	\$0.00	\$193,286.00
XX-XXXX-XXXX Sales Tax Refund	\$0.00	\$0.00	\$0.00
TOTAL REVENUES:	\$193,286.00	\$0.00	\$193,286.00
EXPENSES			
Construction			
XX-XXXX-XXXX CM 1 - San Sewer Rehab - Herring Rivenbark	\$156,560.00	\$0.00	\$156,560.00
Subtotal Construction	\$156,560.00	\$0.00	\$156,560.00
XX-XXXX-XXXX Contingency (5%)	\$7,828.00	\$0.00	\$7,828.00
XX-XXXX-XXXX Engineering (9.5%)	\$14,873.20	\$0.00	\$14,873.20
XX-XXXX-XXXX Inspection (8.0%)	\$12,524.80	\$0.00	\$12,524.80
XX-XXXX-XXXX Construction Stakeout	\$1,000.00	\$0.00	\$1,000.00
XX-XXXX-XXXX Reimbursables	\$500.00	\$0.00	\$500.00
TOTAL EXPENSES:	\$193,286.00	\$0.00	\$193,286.00

Motion: Commissioner Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

Motion to adopt the enclosed ordinance for budget amendment 5 to amend the Town of Ayden FY17/18 Annual Budget.



ORDINANCE No. 17-18-15

ORDINANCE TO AMEND THE TOWN OF AYDEN
FY 17-18 BUDGET ORDINANCE

Budget Amendment 5

WHEREAS, the Town of Ayden desires to make the necessary sanitary sewer repairs to allow NCDOT to proceed with the repaving of Highway 102

And the Town desires to properly budget these additional expenditures,

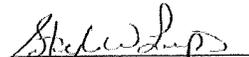
NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Ayden that the FY 17/18 budget ordinance be amended as follows for the Water and Sewer Fund:

62-7130-5000	Capital Outlay	\$193,286.00
62-5009-0000	Fund Balance	(\$193,286.00)

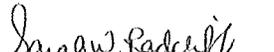
BE IT FURTHER ORDAINED by the Board of Commissioners of the Town of Ayden that this ordinance shall become in full force and effect upon adoption.

Adopted this the 14th day of November 2017.




Stephen W. Tripp, Mayor

Attest:


Sarah W. Radcliff, Town Clerk

Motion: Commissioner Davenport

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

C. Resolution Supporting Atlantic Coast Pipeline for NCEMPA Member Cities and Towns

Manager Harrell presented to the board.

Item Explanation

The City of Rocky Mount, a fellow member of the N.C. Eastern Municipal Power Agency (NCEMPA), has adopted the enclosed resolution in support of the natural gas Atlantic Coast Pipeline as proposed by Dominion Transmission, Inc. Development of lower-emissions natural gas electric generation facilities in our state is being handicapped by lack of access to adequate natural gas supplies, even as power stations using higher-emissions fuel such as coal are being closed or scheduled for closing. This poses a threat to

the availability of adequate supplies of electricity within eastern North Carolina and could raise significantly the price of wholesale power available to members of NCEMPA.

This natural gas pipeline could dramatically change this situation by making more available to our state the abundant supplies of economical natural gas now being produced just a few hundred miles away in the Appalachian Basin. Much of this natural gas transported by the proposed pipeline will be delivered to Duke Energy, the source of wholesale electric power for communities, like ours, that are NCEMPA members. The enclosed study by the consulting firm of ICF International has confirmed the major role the Atlantic Coast Pipeline would play in holding down energy prices in North Carolina. The study indicates that the pipeline, once in operation, would produce \$134 million annually in energy cost savings for our state's consumers, including \$113 million annually for electric customers.

Staff Comments

At the October NCEMPA Board of Commissioners' meeting, the City of Rocky Mount requested the assistance of the other member municipalities by adopting the enclosed resolution in support of the Atlantic Coast Pipeline. Staff presents this item to the Town Board for its consideration. If adopted, the resolution will be provided to the NCEMPA for its use in support of the pipeline.

Action Requested

By motion, adopt the enclosed Resolution Supporting Atlantic Coast Pipeline for NCEMPA Member Cities And Towns.

Motion to adopt the enclosed Resolution Supporting Atlantic Coast Pipeline for NCEMPA Member Cities And Towns.



RESOLUTION NO. 17-18-20
SUPPORTING ATLANTIC COAST PIPELINE FOR NCEMPA MEMBER CITIES AND
TOWNS

WHEREAS, the 32 cities and towns of eastern North Carolina that are members of the North Carolina Eastern Municipal Power Agency (NCEMPA) are committed to delivering reliable, secure and reasonably priced energy to the homes and businesses of their communities; and

WHEREAS, the Town of Ayden is one of the members of NCEMPA and has delivered energy to approximately 4,000 customers for many years; and

WHEREAS, the Town of Ayden, like other members of NCEMPA, is deeply concerned about our state's lack of access to natural gas, a fuel that is playing a steadily growing and increasingly critical role in the generation of electricity; and

WHEREAS, the development of lower-emissions natural gas electric generation facilities in our state is being handicapped by this lack of access, even as power stations using higher-emissions fuel such as coal are being closed or scheduled for closing; and

WHEREAS, this situation poses a threat to the availability of adequate supplies of electricity within eastern North Carolina and could raise significantly the price of wholesale power available to Ayden and the other members of NCEMPA; and

WHEREAS, higher electricity prices would pose a hardship for the businesses and families our Ayden electric system serves – especially lower-income customers – and impede our efforts to attract new economic development and job opportunities to our community; and

WHEREAS, construction of the proposed Atlantic Coast Pipeline could dramatically change this situation by making more available to our state the abundant supplies of economical natural gas now being produced just a few hundred miles away in the Appalachian Basin; and

WHEREAS, much of this Appalachian natural gas transported by the pipeline will be delivered to Duke Energy, the source of wholesale electric power for Ayden and other eastern North Carolina communities that are NCEMPA members; and

WHEREAS, a study by the consulting firm of ICF International has confirmed the major role the Atlantic Coast Pipeline would play in holding down energy prices in North Carolina, with the study indicating that the pipeline, once in operation, would produce \$134 million annually in energy cost savings for our state's consumers, including \$113 million annually for electric customers;

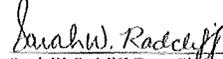
NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Ayden, North Carolina strongly supports construction of the proposed Atlantic Coast Pipeline and recognizes the significant benefits it would provide to energy customers throughout our state, including those in our community.

Adopted this the 14th day of November, 2017 in Ayden, North Carolina.




Stephen W. Tripp, Mayor
Town of Ayden

ATTEST:


Sarah W. Radcliff, Town Clerk

Motion: Commissioner Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

D. BBQ Festival Incorporation

Planning Director and Chair of the BBQ Festival, Stephen Smith, presented to the board.

Item Explanation

At the last BBQ festival committee meeting, the committee voted to explore incorporating the BBQ festival. By incorporating, the BBQ festival would begin to operate as its own entity with support from the Town, similar to the Collard Festival.

Staff Comments

Having the BBQ festival become incorporated will allow the committee more flexibility and will also reduce the amount of staff time dedicated to the committee in the future as the festival continues to grow. Staff has talked with the Town Attorney and he is prepared to assist with the incorporation process.

Action Requested

Authorize Staff to work with the Town Attorney to Incorporate the BBQ Festival

Motion to authorize staff to work with the Town Attorney to incorporate the BBQ Festival.

Motion: Commissioner Ross

Second: Commissioner Davenport

Discussion: None

Approved: 5-0

Motion passed unanimously.

E. National League of Cities Service Line Warranty Program

The Town Board recalls that this September agenda item was presented to it last month for further consideration. As the Town Attorney's suggested, the Marketing Agreement was amended such that under Section 3, if the Town opts to exercise its 90 day notice of termination of the agreement, the company is permitted to complete any marketing campaign for which it has received the Town's prior approval(per the agreement, all marketing campaigns require prior approval by the Town); after that, the

agreement is terminated. A dispute resolution clause was also added to the agreement. These were reviewed, and approved for language, by the Town Attorney. (see highlighted agreement enclosed)

Enclosed in the packet were the two marketing templates presented to the Board at its October meeting to illustrate how the Town logo is proposed to be used by the company in its marketing campaigns.

Action Requested

After further consideration, given the discussions and concerns expressed by the Town Board with regard to the use of the Town logo, and the apparent Town sponsorship/endorsement of this warranty program as presented by the warranty company, staff recommends that this program not be pursued further.

No action was taken by the board.

F. Country Club Creek Preliminary Plat and Construction Plan Approval

Manager Harrell presented to the board.

Item Explanation

On June 11, 2007, the Town Board approved the enclosed Country Club Creek Preliminary Plat and Construction Plan. The development was never built, in part, due to the economic recession that began the following year in 2008.

The matter involves something known as “vested rights”; i.e., the right to complete a development under the rules that applied at the time the development was approved rather than under newly adopted rules. North Carolina General Statutes define vested rights either based on the existence of a valid building permit, in this case, there is not such, or the existence of a valid, approved site specific or phased development plans – see **NCGS160A-385.1 Vested Rights** enclosed. Also, enclosed is a March, 2013, UNC-CH School of Government article discussing vested rights.

Under state statute, statutory vested right to develop a land use expires after two (2) years, if no development has occurred; however, a local governing body, at its discretion, can extend this to a maximum of five (5) years under certain circumstances to include economic cycles and market conditions. In this case, the approved preliminary site plan is more than ten (10) years old.

The School of Government piece discusses “common law vested right” whereby a developer has made substantial expenditure “in good faith reliance on a valid governmental approval and the developer will suffer detriment to comply with new rules”. The piece does point out that a court case in the Town of Hillsborough determined that “actual construction on the site is not necessary to show substantial expenditure”. Staff’s discussion with the author of this piece, Adam Lovelady stated it is the responsibility of the developer to provide the evidence that “common law vested right” exists for the proposed land use as approved.

In summary, N.C. statutory vested rights have established limits, and “common law vested rights likely expire after a reasonable period of disuse”.

Staff Comments

N.C. statutory expiration of vested right is a given in this matter; the set time limits in the statute of two (2) to five (5) years have lapsed. It is common law vested right that is at issue here.

In regard to common law vested right, the property owner states he has substantial investment in the development of the plan and approval process that took place in 2007 and into 2008. Additionally, our Town has a new Phase II Stormwater Ordinance, adopted September 8, 2008, see enclosed, that was not in place for the approval of the site plan in 2007 and the owner has indicated that compliance with this

new set of adopted stormwater rules would be a detriment to the development costs of the planned Country Club Creek subdivision.

The development and adoption of the Town's Phase II Stormwater Ordinance is a consequence of the Town of Ayden having a State of North Carolina National Pollutant Discharge Elimination System Permit (NPDES) No. NCS000500 to Discharge Stormwater into the receiving waters of the State within the Neuse River Basin (copy of permit enclosed – current permit expires February 19, 2022). The permit requires the proper implementation of the Town's Stormwater Plan. The permit states that implementation of best management practices (i.e., the manner in which stormwater discharge is handled) consistent with the provisions of the Stormwater Plan constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. This is necessary for compliance with the Clean Water Act, the basis for our NPDES permit. With this NPDES permit Clean Water Act compliance requirement for the Town, whatever storm drainage is designed, and constructed, in this subdivision, will have to meet best management practices that comply with the Clean Water Act, a provision of our permit.

One additional item, the original approval in 2007 included the need for the plan to have an approved Pitt County Soil Erosion and Sedimentation Control (SESC) plan. Pitt County reports that this plan's approval has now expired and will have to be reviewed for County approval again.

The owner wishes the Town Board to recognize his claim of common law vested rights in the Board's original 2007 approval of the preliminary plat and construction plan and allow the development to take place; he states he now has a builder ready to start construction of homes based on the original site plan. Without this, the property owner has no recourse but to resubmit his plan for the complete Town's approval process again.

Action Requested

At the Board's discretion there are two possible outcomes to consider, respectively:

- 1) By motion, reaffirm the Town Board's 2007 approval of the Country Club Creek Preliminary Plat and Construction Plan, contingent on Pitt County's SESC plan approval; or
- 2) No action by the Town Board will trigger the need for the property to resubmit his plan for the complete Town's approval process again.

Motion to reaffirm the Town Board's 2007 approval of the Country Club Creek Preliminary Plat and Construction Plan, contingent on Pitt County's SESC plan approval and the property owner meeting the Phase II Stormwater Ordinance passed in 2008.

Motion: Commissioner Davenport

Second: Commissioner Mewborn

Discussion: None

Approved: 5-0

Motion passed unanimously.

G. Budget Amendment for Hurricane Harvey Texas Relief

Item Explanation

The Town of Ayden in coordination with Ayden Elementary School collected supplies and clothing for victims of Hurricane Harvey in Houston Texas. Items collected were delivered by Chief Stanley and Jumario Artis on October 02, 2017. The Town rented a truck to deliver the items and Chief Stanley and Jumario flew back on October 3rd. The costs of the truck rental, fuel, meals, hotels and return plane tickets totaled \$1,988.45. Ayden Elementary School will contribute the costs of one plane ticket which

will bring the net cost to the Town to \$1,775.83. These additional costs were not included in the adopted 2017/2018 Budget.

The Town's investments have been doing better than anticipated. The additional costs related to delivering the donated items to Houston can be offset by increasing investment earnings and thereby avoid a fund balance appropriation.

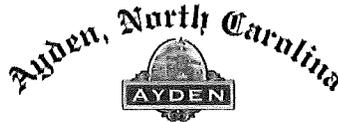
Staff Comments

It is recommended an amendment to the budget be made to cover the additional costs related to the Hurricane Harvey assistance and that the expenditure be offset by an increase in investment earnings.

Action Requested

Adopt the enclosed ordinance for budget amendment 4 to amend the Town of Ayden FY17/18 Annual Budget.

Motion to adopt the enclosed ordinance for budget amendment 4 to amend the Town of Ayden FY17/18 Annual Budget.



ORDINANCE No. 17-18-16

ORDINANCE TO AMEND THE TOWN OF AYDEN
FY 17-18 BUDGET ORDINANCE

Budget Amendment 4

WHEREAS, the Town of Ayden desired to help the victims of Hurricane Harvey in Houston Texas by collecting donated items and that the donated items were delivered by Town personnel to Houston on October 02, 2017 and that the costs to deliver was \$1,775.83

And

the Town's investments have performed better than anticipated and budgeted

And the Town desires to properly budget and account for these additional revenues and expenditures,

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Ayden that the FY 17/18 budget ordinance be amended as follows for the Substance Abuse Tax Fund:

10-4110-4990	Special Events	\$1,800.00
10-3700-1000	Investment Earnings	(\$1,800.00)

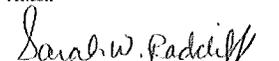
BE IT FURTHER ORDAINED by the Board of Commissioners of the Town of Ayden that this ordinance shall become in full force and effect upon adoption.

Adopted this the 14th day of November 2017.




Stephen W. Tripp, Mayor

Attest:


Sarah W. Radcliff, Town Clerk

Motion: Commissioner Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

H. Approval of Town Employees' Christmas Bonus

Item Explanation

Request to authorize Christmas Bonus to Town full time employees and Police Reserve Officers. As in the past several years practice, the current FY17/18 budget did not appropriate money for this purpose.

Staff Comments

In the past several years, it has been customary for the Board of Commissioners to consider a Christmas Bonus to Town employees. Last year the Board approved each full time Town employee and Police Reserve Officer to receive a \$300 gift card as a Christmas Bonus. Savings from budgeted, but unfilled positions in the Water and Sewer, Electric and General Funds, can provide the necessary dollars to cover this additional expenditure. No fund balance appropriation is needed. The total cost for the bonuses is estimated to be \$25,528.26. The Budget Officer will need to transfer \$8,000 from the Streets and \$3,775.00 from the Sanitation Departments' Salaries budget lines and reallocate to the other General Fund Departments' Salaries lines. These amounts are within the Budget Officer's authority without need for a budget ordinance amendment and need only be reported to the Board. No budget adjustments are needed in the Water and Sewer and Electric Funds for the bonuses. Rather than a \$300 gift card, it is contemplated that each employee will receive a separate bonus check, grossing up for social security taxes so everyone would get the even \$300.

Action Requested

Consideration by the Board to approve \$300 Christmas Bonuses for full time Town employees and Police Reserve Officers and authorize the Budget Officer to make the appropriate interdepartmental transfers in the General Fund to cover the costs.

Commissioner Mewborn stated he would like for all permanent part-time employees to receive the bonus as well.

Motion to approve \$300 Christmas Bonuses for full time Town employees and Police Reserve Officers and permanent part time employees and authorize the Budget Officer to make the appropriate interdepartmental transfers in the General Fund to cover the costs.

Motion: Commissioner Mewborn

Second: Commissioner Ross

Discussion: None

Approved: 5-0

Motion passed unanimously.

I. Appointment to the Ayden Chamber of Commerce Board

Item Explanation

Currently, Planning Director Stephen Smith is the Town's liaison to the Ayden Chamber of Commerce and his term expires the end of this calendar year.

Staff Comments

It is recommended that Stephen Smith be reappointed the liaison for the calendar year 2018.

Action Requested

Consider appointing Stephen Smith as the Town's liaison to the Ayden Chamber of Commerce.

Motion to appoint Stephen Smith as the Town's liaison to the Ayden Chamber of Commerce.

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

Motion passed unanimously.

J. Appointment to the Ayden Planning Board

Item Explanation

Three members' terms on the Ayden Planning Board expired in October; Terry Payne, Kevin Smith and Yvonne Garris. Terry Payne and Kevin Smith are seeking reappointment. Yvonne Garris does not wish to be reappointed.

Staff Comments

The vacancies were advertised in The Times Leader and on the Town's website with a deadline of November 3rd. Staff received two new applications, which are attached.

Action Requested

To consider reappointing Terry Payne and Kevin Smith to a three-year term that will expire in October 2020.

To appoint either Michael Harris or Tony Dail to a three-year term that will expire in October 2020.

Motion to reappoint Terry Payne and Kevin Smith and to appoint Michael Harris.

Motion: Mayor Pro-tem Skinner
Second: Commissioner Davenport
Discussion: Commissioner Mewborn said he would like to see some new board members come in. Mike Harris abstained from voting. Mewborn and Ross did not vote, which constitutes a yes vote.
Approved: 4-0

Motion passed.

K. Appointment to the Ayden Library Board

Item Explanation

Sandra Garris and Deborah Hall's terms on the Library Board expired in September. Neither are eligible for reappointment.

Staff Comments

The vacancies were advertised in The Times Leader and on the Town's website with a deadline of November 3rd. Staff received one new application, which is attached.

Action Requested

To consider appointing Necole Bartley to a three-year term that will expire in October 2020.

Motion to table the item until the new board is sworn in.

Motion: Commissioner Mewborn
Second: Commissioner Ross
Discussion: none
Denied: 2-3
Mewborn and Ross voted in favor; Davenport, Skinner and Harris opposed.

Motion to appoint Necole Bartley to a three-year term that will expire in October 2020.

Motion: Commissioner Harris

Second: Mayor Pro-tem Skinner

Discussion: None

Approved: 5-0

VIII. ITEMS FOR DISCUSSION

- A. Update of status of Montclair Drainage improvements as funded through Golden LEAF Foundation Disaster Recovery grant funding.

Rich Moore, McDavid Associates, presented to the board.

Item Explanation

The Town has been awarded a \$153,000 grant from the Golden LEAF Foundation to address identified problems with existing storm drainage piping within the Montclair Subdivision. Plans and specifications to address problems have been completed. Bids for construction were received on October 31, 2017. The low bid was for \$398,440. The low bid exceeds available funds.

Based on the low bid received, McDavid Associates, Inc. is negotiating with the low bidder and evaluating options in advance of a formal recommendation to the Town Board. Options currently being include the following:

1. Alternative design – Original design proposed installation of arch pipe (helical ellipsoidal piping) that increased capacity and allowed for more ground cover of drainage pipe. Pipe pricing for arch pipe is high at present time due to demand. Alternatives are being evaluated to lower the cost of the drainage piping.
2. Golden LEAF Foundation has been approached to determine if additional grant award is feasible. Golden LEAF has advised submittal of a formal request after demonstration of effort to reduce cost.

Staff Comments

Project addresses collapsed sections of an existing storm drainage pipe that is contributing to documented drainage issues. Every effort is being made to maximize the benefit to the Montclair Subdivision.

Action Requested

No action is requested. A project update is being provided as information.

- B. Discuss "Coffee with Commissioners" in collaboration with the Ayden Chamber of Commerce

Item Explanation

Chamber Director, Laura Todd, has suggested the Board of Commissioners and the Board of Directors for the Chamber have a quarterly session called "Coffee with Commissioners," beginning in January 2018. Mrs. Todd suggested having this on the weekend or in the evenings to accommodate more citizens in the community.

The board did not take action on this item. Manager Harrell cautioned that if all board members were present, it would need to be conducted so that it does not become an official meeting. Mayor Tripp suggested the attorney take care of the logistics so that we are covered.

IX. INFORMATION

- A. Staff Departmental Reports

Planning Director, Stephen Smith, gave an update on the SW Bypass Land Use Plan.

X. BOARD MEMBER COMMENTS

The commissioners thanked everyone for coming and staff for their hard work.

XI. ADJOURNMENT

Having completed the business before them, Mayor Tripp announced that without objection the Governing Board would stand adjourned at 9:03p.m.

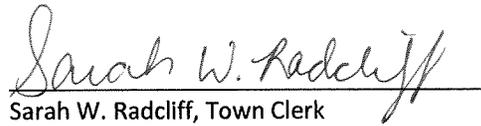
CERTIFICATION

Minutes from the November 14, 2017 meeting were adopted and certified this 11th day of December 2017 in Ayden, North Carolina.

AYDEN, NORTH CAROLINA


Stephen W. Tripp, Mayor

ATTEST:


Sarah W. Radcliff, Town Clerk

